

██████████
Executive Director
The Retirement Villages Association of New Zealand
(by email)

24 December 2019

Dear ██████████

We received your Official Information Act (1982) request dated 6 December 2019. Your request was focused on information to enable you to prepare your submissions [for the upcoming Code of Practice Variation consultation]. You requested:

'copies of all the evidence the CFFC and other agencies have gathered and analysed in support of the proposed changes to the Code. This includes any recommendations made to the Minister in writing or orally about the proposed changes.'

In regards to your request, I have interpreted it as having three parts as follows:

- Part 1: Copies of all the evidence the CFFC has gathered and analysed in support of the proposed changes to the Code.
- Part 2: Copies of all the evidence other agencies have gathered and analysed in support of the proposed changes to the Code.
- Part 3: Any recommendations made by CFFC to the Minister in writing or orally about the proposed changes.

As you know from the stakeholder forum, we introduced the discussion of potential code variations as a balance between pre-determining the variations and a genuinely open approach that would allow stakeholder input to shape the final form for public consultation.

We were very pleased with the calibre of the input from across the spectrum of stakeholders and we are currently planning for our public consultation document. This will include collating all accompanying evidence and analyses to support an informed public dialogue about potential changes to the Code of Practice.

Regarding part one of your request, it is important to note that CFFC gathers and analyses a significant amount of information as part of its statutory role monitoring the retirement villages sector. The relevant parts of this information will be collated to form a concise information memorandum to accompany our public consultation on the proposed Code of Practice variations. The timeline for the variation process will be confirmed once CFFC's new Retirement Commissioner Jane Wrightson commences her role in February.

I note that most of the information on which our analyses will be based is already in the public domain. These sources are:

- Recent thematic monitoring reports <https://www.cffc.org.nz/retirement-villages/monitoring-and-reports/monitoring-reports/>
- Referrals and enquiries to CFFC – the majority of which are discussed in a non-confidential way with the RVA in our quarterly catch ups and included in presentations Troy makes at various RVA forums
- Complaint reporting data <https://www.cffc.org.nz/retirement-villages/monitoring-and-reports/>
- Dispute panel decisions <https://www.cffc.org.nz/retirement-villages/complaints-and-disputes/disputes-panel-decisions/>
- Engagement insights such as our seminars, and you will already be familiar with the types of questions and discussions from these sessions as we frequently co-present.
- Plain English re-write of the Code we conducted in 2017

- Dedicated annual stakeholder forums that the RVA contributes to and attends

Part two of your request asks for copies of evidence that other agencies have gathered and analysed in support of the proposed changes to the Code. CFFC does not have access to, or the right to release, information held by other agencies. There is a provision in the Act for agencies to transfer requests, however if we were to do that, CFFC would no longer be required to respond. As CFFC is the main holder of the information you are requesting, it is not appropriate for us to transfer your request. Therefore, we recommend that the best approach to accessing information held by other agencies is to approach those agencies directly. To the best of our knowledge, the Ministry of Housing and Urban Development (MHUD) is the only other agency that has a significant interest. While we are taking the lead on this work, you may wish to approach them directly with your request.

Part three of your request asks for any recommendations made by CFFC to the Minister about the proposed changes. I have decided to release recent CFFC briefing papers to the Minister regarding potential changes to the Code of Practice.

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

Wishing you a safe and happy festive season.



Peter Cordtz
Interim Retirement Commissioner