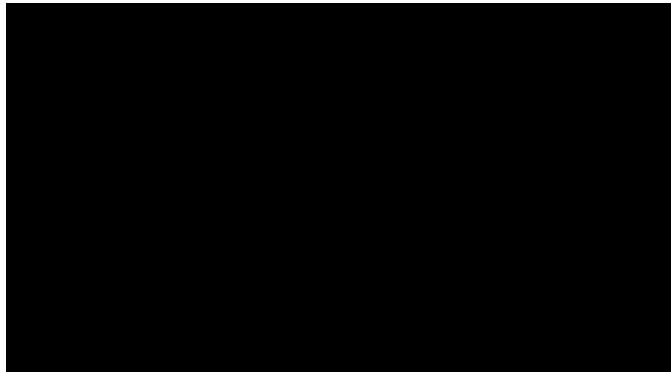


21 December 2021



Official Information Act #21.091 - Retirement Villages complaints

1. We refer to your request for information under the Official Information Act 1982 (OIA) received on 26 November 2021 for the following information:
 - 1.1 the status of Consumer NZ's complaint to the Commerce Commission (**Commission**) about retirement villages' aged care claims¹ (including whether an investigation has been opened and if so, who the investigated parties are);
 - 1.2 any documents received, prepared or considered by the Commission in relation to the complaint (including any documents in relation to the Commission's decision on whether to investigate);
 - 1.3 any correspondence between Consumer NZ and the Commission leading up to the complaint; and
 - 1.4 copies of any other complaints received by the Commission during the past 12 months about retirement villages' aged care claims (with identifying complainant details redacted if necessary).
2. In relation to paragraph [1.4] of your request, on 1 December 2021 you confirmed that it would be acceptable to receive summaries of the relevant complaints.

Our response

3. We have decided to grant your request.

¹ <https://www.consumer.org.nz/articles/consumer-nz-lodges-complaint-over-retirement-villages-care-claims>

Paragraph [1.1] - complaint status

4. The relevant complaint is ENQ0558280 received from Consumer NZ on 15 September 2021. A copy of the complaint is contained in **Attachment A** (CC.RV.0004 and CC.RV.0004.0001).

Commission's complaints screening process

5. To provide context to how ENQ0558280 was assessed, we have outlined the Commission's complaint screening process below.
6. When a consumer contacts the Commission with a complaint about a trader, this is logged in the Commission's complaint database.
7. The Commission receives thousands of complaints each year. Each complaint is initially assessed by the Commission's Screening and Analysis team on the basis of the information available at the time. When conducting an initial assessment, the Commission considers:
 - 7.1 the likelihood of a breach of the relevant legislation (Commerce Act 1986, Fair Trading Act 1986 and Credit Contracts and Consumer Finance 2003);
 - 7.2 the Commission's Enforcement Response Guidelines;² and
 - 7.3 the Commission's strategic priorities and resourcing constraints.
8. If a complaint meets these criteria, it is reviewed by a panel of managers and subject matter experts from within the Commission (the screening panel). The screening panel decides what complaints are to be prioritised for further consideration.
9. This process enables the Commission to identify complaints that best reflect our current priorities.³ The outcomes of the process are not final and, should we wish to reconsider the issues it presents, we may revisit any complaint at a later stage.

ENQ0558280

10. ENQ0558280 was assessed by the Screening and Analysis team on 20 September 2021. The team recommended further review by the screening panel.
11. The screening panel considered the complaint on 28 September 2021 and decided it should be included within a wider piece of Commission work in the relevant area.
12. We have provided a copy of the Screening and Analysis team's assessment of the complaint and the screening panel's notes at **Appendix A** (below).⁴

² <https://comcom.govt.nz/about-us/our-policies-and-guidelines/investigations-and-enforcement/enforcement-response-guidelines>

³ <https://comcom.govt.nz/about-us/our-priorities>

⁴ Please note that we do not amend original complaint records to address spelling or typographical errors. Abbreviations have been expanded in square brackets.

13. We note the assessment contains reference to a separate complaint, from which we have redacted the complainant's name (in line with your advice that identifying complainant details can be redacted).
14. The Commission is currently assessing and forming priorities for the new year, which will include focus on industry impacts on vulnerable consumers. It is likely, once our priorities are confirmed, we will invite further engagement from the complainant, the industry and relevant communities.

Paragraphs [1.2] & [1.3] - correspondence and documents

15. In addition to the complaint assessment and panel notes, the further correspondence and documents falling within the scope of your request are listed below and contained in **Attachment A**.

Document ID	Date	Document
CC.RV.0006	13 August 2021	Email from Consumer to Commission
CC.RV.0003	9 September 2021	Email from Consumer to Commission
CC.RV.0004	15 September 2021	Email from Consumer to Commission
CC.RV.0004.0001	14 September 2021	Letter from Consumer to Commission
CC.RV.00013	5 October 2021	Email from Commission to Consumer
CC.RV.00012	6 October 2021	Email from Consumer to Commission

Paragraph [1.4] - complaint summaries

16. The Commission has received six additional complaints about retirement villages' aged care claims during the past 12 months.⁵ We have set out summaries of the complaints at **Appendix B** (below).

Further information

17. Please note the Commission will be publishing this response to your request in the OIA register on our website.⁶ Your personal details will be redacted from the published response.
18. Please do not hesitate to contact us at ويا@comcom.govt.nz if you have any questions about this request.

⁵ The period from 26 November 2020 to 26 November 2021.

⁶ <https://comcom.govt.nz/about-us/requesting-official-information/oia-register>

Yours sincerely

A handwritten signature in black ink, appearing to read 'Alex Murray', with a long, sweeping flourish extending to the right.

Alexandra Murray
OIA and Information Coordinator

Released Under Official Information Act 1982