

RVR RESEARCH

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Report Prepared for: RVResidents Assoc. of New Zealand

Prepared by: ChayeAI Consulting

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**Reforming Exit Repayment Timeframes
in New Zealand Retirement Villages:
A Policy Analysis**

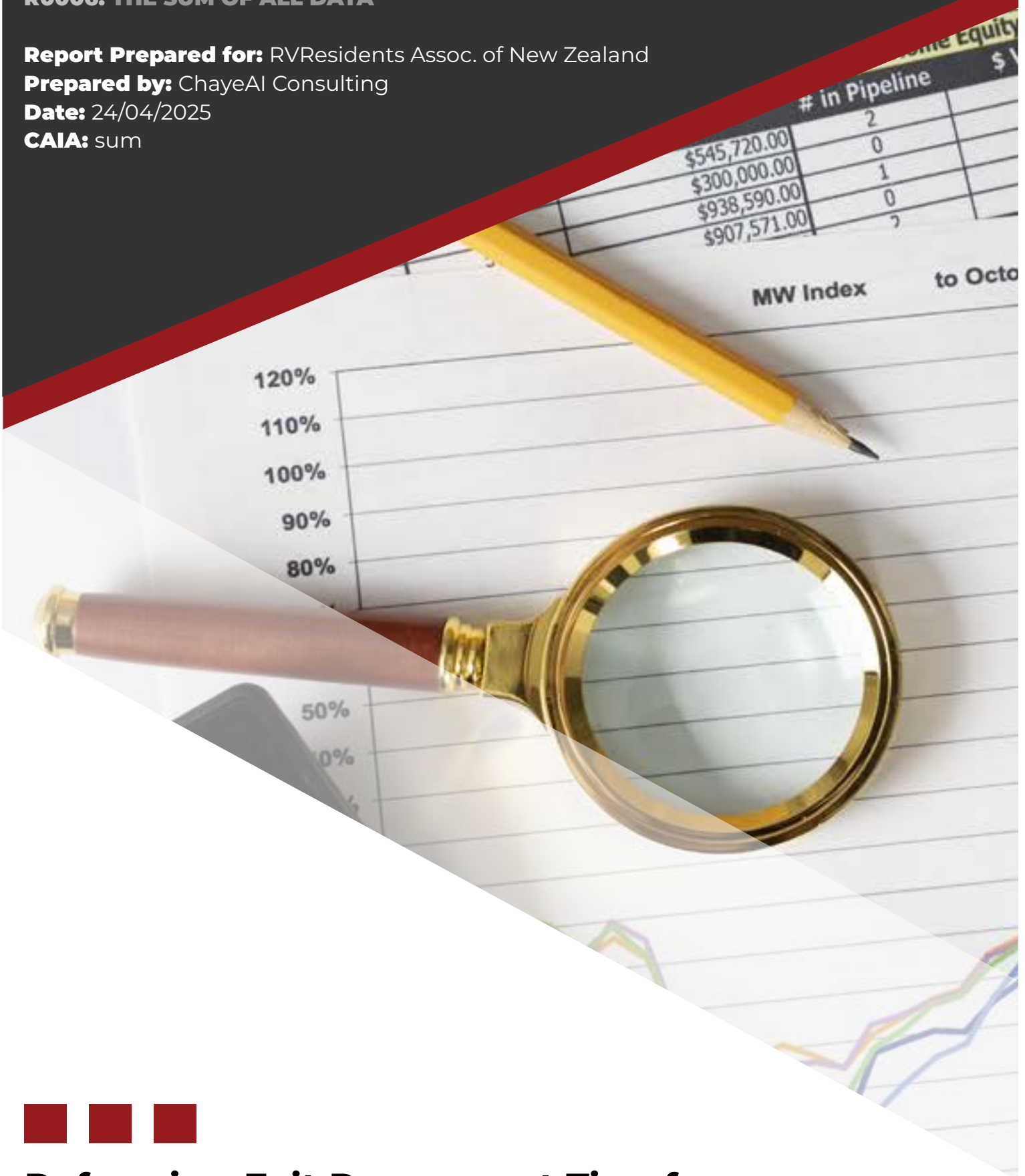


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OPTIMAL EXIT REPAYMENT TIME FRAMES FOR NEW ZEALAND RETIREMENT VILLAGES: A COMPREHENSIVE ANALYSIS

EXECUTIVE SUMMARY

This research paper examines the optimal timeframe and mechanism for returning capital sums to residents upon exit from retirement villages in New Zealand. Drawing on financial data from major operators, stakeholder submissions (including resident feedback and industry analyses like the Martin Jenkins and Janine Starks reports), legal frameworks, and policy analysis, this study evaluates various repayment models against criteria of resident welfare, operator financial viability, and implementation feasibility. The research finds overwhelming resident support (96%) for fixed repayment periods, with a majority (56%) preferring repayment within 28 days. Financial analysis indicates major operators possess the capacity to implement shorter repayment time frames, with the estimated cost of a 28-day buyback representing a small percentage (1.3%) of typical operator revenue per unit tenure. The study recommends an Enhanced Four Pillars Framework that includes: (1) an initial payment (e.g., 10% or \$50,000) within days; (2) full repayment within 4 months; (3) an extension mechanism for operators facing demonstrated financial hardship (with interest payments and disclosure); and (4) an exemption pathway for villages sharing significant capital gains (e.g., 50%+) with residents. This approach aims to balance resident needs with operator financial viability, create incentives for compliance, and provide safety valves for exceptional circumstances, recommending phased retrospective application to existing contracts.

KEYWORDS

Retirement villages, exit repayment, Occupation Right Agreement (ORA), consumer protection, financial regulation, New Zealand, elderly care, Four Pillars Framework

1. INTRODUCTION

1.1 BACKGROUND AND CONTEXT

Retirement villages are a significant housing option for older New Zealanders, accommodating approximately 48,000-53,400 residents across around 470 villages. The sector operates primarily under a “license to occupy” (LTO) model (approx. 95% of units), where residents pay a substantial capital sum for an Occupation Right Agreement (ORA). Upon exit, this sum is typically repaid less deductions (like the Deferred Management Fee - DMF, often 20-30%), but crucially, the timing is governed by the Retirement Villages Act 2003.

The Act established a regulatory framework but did not mandate specific time frames for capital repayment. Consequently, most ORAs stipulate repayment only after the unit is re-licensed to a new resident, without a fixed deadline or interest accruing during the waiting period. This legislative gap has become a major concern, as residents or their estates can face significant delays (months or even years) in receiving their capital. These delays cause financial hardship, hindering transitions to higher care levels, covering funeral expenses, settling estates, or relocating. The issue stems from a perceived power imbalance and impacts thousands annually, prompting calls for reform from residents, advocacy groups (like the Retirement Village Residents Association - RVRA), and the Retirement Commission.

1.2 RESEARCH OBJECTIVES

This research aims to:

- Analyse the financial capacity of NZ retirement village operators regarding different repayment time frames.
- Synthesize stakeholder perspectives (residents, operators, regulators, experts).
- Evaluate various repayment mechanisms and time frames based on resident welfare, operator viability, and feasibility.
- Assess the impacts and feasibility of applying new repayment rules retrospectively to existing ORAs.
- Develop evidence-based recommendations for optimal repayment time frames and mechanisms within the NZ context.

1.3 METHODOLOGY

This research employs a mixed-methods approach, drawing primarily from New Zealand sources:

Financial Analysis: Examination of financial disclosures from major NZ operators (e.g., Ryman, Summerset, Arvida, Oceania) and analysis reports (IBISWorld, company reports).

Stakeholder Analysis: Synthesis of resident views (RVR Submission Review - 11,000+ responses), operator positions (industry submissions, financial reports), regulatory documents (HUD consultation), and independent expert reports (Starks/Eaqub).

Policy Evaluation: Assessment of repayment options against key criteria, including analysis of frameworks like the “Four Pillars.”

Comparative Context: Brief review of international practices (Australia, UK, Canada) to provide context, while focusing recommendations on NZ’s specific market and legal structure.

1.4 SIGNIFICANCE OF THE RESEARCH

This study addresses a critical gap in NZ’s retirement village regulation. By providing synthesised, evidence-based recommendations, it aims to inform the ongoing policy debate and offer practical solutions balancing resident protection with sector sustainability, impacting consumer rights, financial regulation, and the future of retirement living in New Zealand.

2. LITERATURE REVIEW AND REGULATORY CONTEXT

2.1 CURRENT REGULATORY FRAMEWORK

The NZ retirement village sector is governed by:

Retirement Villages Act 2003: The primary legislation establishing registration, disclosure, ORA requirements, and resident rights. Crucially, it permits repayment to be contingent on re-licensing.

Retirement Villages Code of Practice 2008: Sets operational standards, including disclosure content and complaints procedures. Requires ORAs to specify when repayment occurs but imposes no timeframe limits. Mandates repayment within five working days after the operator receives funds from the new resident.

Retirement Villages Regulations 2006: Details specific requirements like registration processes and statutory supervisor roles.

The legal framework requires intending residents to seek independent legal advice before signing an ORA. However, the core issue remains: no legislated maximum timeframe for the operator to find a new resident and trigger the repayment.



2.2 PREVIOUS RESEARCH AND REPORTS

Key NZ-focused reports highlight the problem:

Retirement Commission Reviews (e.g., 2022): Identified exit payment delays as a priority reform area due to resident hardship.

Consumer NZ Reports (e.g., 2022): Documented resident experiences, including waits exceeding two years, and highlighted contractual unfairness concerns.

Janine Starks Report (with Shamubeel Eaqub peer review, 2023): Provided financial analysis suggesting shorter time frames (e.g., 28 days) are affordable for operators (costing ~1.3% of revenue per unit) and criticized the methodology of the Martin Jenkins analysis.

Martin Jenkins Cost-Benefit Analysis (for RVA review, 2023): Estimated significant costs for operators under mandatory time frames (e.g., 6 or 12 months), suggesting costs outweigh quantifiable benefits. Its methodology has been contested (see Starks critique).

HUD Consultation Document (2024): Summarised stakeholder feedback from the Act review, confirming resident desire for fixed time frames and operator concerns about viability, identifying capital repayment as a key focus area.

2.3 INTERNATIONAL COMPARISONS (CONTEXT ONLY)

While recommendations here are NZ-specific, other jurisdictions offer context:

Australia: Practices vary by state. Queensland mandates repayment within 18 months; NSW generally requires it within 6 months of exit. Exemptions for hardship exist.

United Kingdom: Primarily leasehold models with significant exit/event fees (up to 35%). Repayment is tied to resale, but ARCO (industry body) recommends limits (e.g., 28 days post-resale or 6 months from termination).

Canada: Predominantly rental models, avoiding large capital sums and exit repayment issues common in NZ/Australia. Life Lease models may have specific repayment terms.

Scandinavia: Relies more heavily on publicly funded elder care and housing models.

These comparisons show fixed time frames are implemented elsewhere, often with flexibility mechanisms, but models differ significantly.

3. FINANCIAL ANALYSIS OF NEW ZEALAND RETIREMENT VILLAGE OPERATORS

3.1 INDUSTRY STRUCTURE AND KEY PLAYERS

The NZ market includes large listed operators (Ryman Healthcare, Summerset Group, Arvida Group, Oceania Healthcare - often termed the “Big Four” or similar groupings controlling a large share of units) alongside smaller, independent, and not-for-profit villages. Major operators often provide a continuum of care.

3.2 FINANCIAL PERFORMANCE AND CAPACITY

Analysis of recent financial reports (e.g., FY2024) indicates:

Major Operators: Possess substantial asset bases (e.g., Summerset \$8.1bn, Ryman \$13.1bn total assets reported recently) and generate significant underlying profits (e.g., Summerset \$206.4m FY24 underlying profit). They demonstrate strong revenue streams and ongoing development pipelines.

Overall Health: While facing market headwinds (e.g., property market slowdowns impacting Ryman's recent reported net profit), the large operators appear financially robust with capacity to manage adjusted repayment obligations. Concerns may be more acute for smaller operators.

3.3 REVENUE STREAMS AND BUSINESS MODEL

The dominant LTO model generates revenue through:

- Development Margin: Profit on building new units.
- Deferred Management Fee (DMF): Typically 20-30% of the entry price, deducted on exit.
- Capital Gains: Operators typically retain most or all capital gains on unit resale (average resident tenure ~8 years).
- Interest-Free Capital: The resident's entry payment functions like an interest-free loan to the operator during tenure.
- Weekly/Ongoing Fees: Cover village operations and services (sometimes controversially continue after vacancy).
- Starks estimated total operator earnings per \$600k unit over 8 years at ~\$1,014,000, highlighting significant revenue generation.

3.4 COST OF IMPLEMENTING SHORTER REPAYMENT TIME FRAMES

Starks Analysis: Estimated a mandatory 28-day buyback costs the operator ~\$13,535 per \$600k unit. This represents only 1.3% of the estimated total revenue generated from that unit or 2.6% of the typical capital gain retained by the operator. Industry-wide annual cost estimated at ~\$65 million.

Martin Jenkins Analysis: Estimated much higher costs (e.g., \$265M-\$1.1B PV for a 6-month timeframe). This analysis has been criticised by Starks/Eaqub for methodological flaws, such as:

- Not fully accounting for actual sales velocity (e.g., 77% sell within 6 months).
- Using excessive error margins.
- Incorrect cost of capital application (assuming capital tied up for the full period).
- Understating resident opportunity cost compared to operator cost of capital. Starks claims these errors lead to significant overstatements of cost (e.g., 471% for 6-month option).

Based on the Starks analysis, the direct financial cost of implementing significantly shorter time frames appears manageable for the industry, especially major operators.

4. STAKEHOLDER PERSPECTIVES

4.1 RESIDENT PERSPECTIVES (RVR SUBMISSION REVIEW & CONSUMER NZ)

Overwhelming Support for Fixed Time frames: 96% want mandatory repayment periods.

Preference for Short Time frames: 56% favour 28 days; 33% favour 3 months (total 89% within 3 months). Only 7% support 6 months; <0.5% support 12 months.

Support for Retrospective Application: 89% want new rules applied to existing ORAs.

Interest on Delays: 96% agree operators should pay interest if repayment is delayed (e.g., beyond 6 months, or from vacant possession/28 days per 76%).

Cessation of Weekly Fees: 80% support stopping fees upon vacancy.

Key Concerns: Financial hardship (funding care, funerals, relocation), emotional stress, uncertainty, loss of use of capital, impact on estates/beneficiaries, power imbalance.

4.2 OPERATOR PERSPECTIVES (INDUSTRY SUBMISSIONS & RVA)

Preference for Status Quo or Longer Time frames: Generally oppose mandatory short time frames (favouring 9-12 months if change is necessary, or contingent on resale).

Financial Viability Concerns: Argue mandatory buybacks strain cash flow, risk insolvency (esp. for smaller operators or during downturns), increase costs (potentially passed to residents), and could stifle development.



Capital Structure Arguments: Business models rely on retaining resident capital until resale.

RVA Position: Expressed concerns about financial impacts but acknowledged 4 months as “reasonable” in some contexts (as per Four Pillars analysis). RVA trialled a voluntary interest payment after 9 months if units not re-licenced.

4.3 REGULATORY PERSPECTIVES (HUD & RETIREMENT COMMISSION)

Consumer Protection Focus: Recognise the need to address resident hardship and power imbalance regarding repayments.

Balancing Act: Aim to enhance resident protection while maintaining sector viability and stability.

Priority Area: Capital repayment identified as a key issue needing reform in the Act review.

Exploring Options: Considering fixed time frames, interest payments, and other mechanisms based on consultation feedback.

4.4 INDEPENDENT EXPERT PERSPECTIVES (STARKS & EAQUB)

Economic Unfairness: Current system transfers financial risk and cost of delays entirely to residents, creating an “unconscionable” imbalance.

Operator Capacity: Conclude operators can afford shorter time frames given revenue models (DMF, capital gains, interest-free loan value).

Market Inefficiency: Argue the party receiving market returns (capital gains) should bear market risk (holding costs/delays).

Critique of Opposition: Question operator resistance given the relatively small financial impact calculated.

5. EVALUATION OF REPAYMENT MECHANISMS AND TIME FRAMES

5.1 CURRENT REPAYMENT PRACTICES

- No mandatory timeframe in law.
- Repayment typically only after unit re-licensed (can take months/years).
- No interest paid during waiting period.
- Operators control timing.
- Creates uncertainty and hardship for residents/ estates.

5.2 TIMEFRAME OPTIONS ANALYSIS

Timeframe	Resident Support (RVR Survey)	Est. Operator Cost (Starks)	Key Considerations
28 Days	56%	\$13,535/unit (1.3% revenue)	High resident benefit; highest operator liquidity need
3 Months	33% (89% total ≤ 3m)	Lower than 28 days	Good balance; addresses most urgent needs
4 Months (Pillars)	(Implicitly acceptable)	Lower than 3m	Aligns with 50% resale rate; RVA deemed 4 month turnaround "reasonable"
6 Months	7%	\$3,150/unit (0.3% revenue)	Benefits only 23% more families; still significant delay
12 Months	<0.5%	Very low	Benefits only 5% more families; fails resident needs

5.3 ALTERNATIVE REPAYMENT MECHANISMS

Staggered Payment Model:

Proposal: Initial sum (e.g., 10%/\$50k) quickly, remainder over time (e.g., 4 months).

Pros: Addresses immediate needs, smooths operator cash flow.

Cons: Delays full amount. (Pillar 1 uses this concept).

Trust or Escrow Holding:

Proposal: Capital held securely.

Pros: Guarantees funds.

Cons: Major business model change, reduces operator working capital.

Interest Payment Mechanisms:

Proposal: Interest paid if repayment delayed beyond a set point (e.g., vacant possession, 28 days, 4 months, 6 months).

Pros: Compensates residents, incentivises prompt repayment.

Cons: Adds cost for operators. (Pillar 3 includes this for extensions).

6. RETROSPECTIVE APPLICATION ASSESSMENT

6.1 RESIDENT SUPPORT

Overwhelmingly positive: 89% support applying mandatory time frames to existing ORAs to avoid a two-tier system and ensure fairness for all current residents.

6.2 LEGAL CONSIDERATIONS

Principle of contract sanctity vs. Parliament's authority to legislate retrospectively in the public interest (esp. for consumer protection).

Precedents exist in NZ for retrospective changes in areas like tenancy and finance.

6.3 FINANCIAL IMPACTS ON OPERATORS

A sudden, universal application (e.g., 28 days for all existing contracts) would require significant immediate capital (~\$2.2bn estimate cited by Manus_.md, though source unclear).

Annual ongoing cost is much lower (~\$65m for 28 days - Starks).

Impact is significantly reduced with longer time frames (e.g., 4 months) as many units re-license naturally within that period.

A phased implementation is crucial to allow operators time to adjust finances.

6.4 IMPLEMENTATION OPTIONS

Immediate Full Application: High market disruption risk.

Phased Implementation: Allows adjustment (e.g., 12-18 month transition). Recommended approach.

Grandfathering: Creates inequities, delays benefits.

Opt-in: Uncertain impact, likely maintains status quo for many.



7. FOUR PILLARS FRAMEWORK ANALYSIS

7.1 OVERVIEW

Proposed by resident advocates (drawing on consultation/round table ideas) as a balanced solution:

PILLAR 1: INITIAL PAYMENT

10% of refundable amount or \$50,000 (whichever is greater) within 5 working days of notice/vacancy.

PILLAR 2: FULL REPAYMENT

Remainder within 4 months of notice or 3 months of vacant possession (whichever is later).

PILLAR 3: OPERATOR EXTENSION APPLICATION

Mechanism for operators facing genuine hardship/insolvency risk to apply for extension (partial or full suspension).

Requires proof, interest payable at Prescribed Rate from vacancy date, and public disclosure.

PILLAR 4: OPERATOR EXEMPTION APPLICATION

Villages sharing 50%+ of capital gains with residents can apply for exemption from Pillars 1 & 2.

7.2 STRENGTHS

Balances Interests: Addresses residents' urgent needs (Pillar 1) and provides certainty (Pillar 2), while offering safety valves for operators (Pillar 3) and flexibility for different business models (Pillar 4).

Practical Timeframe: 4 months aligns with industry data (50% re-licensed) and RVA acknowledgement.

Accountability: Interest payments and public disclosure incentivise compliance and efficient financial management by operators.

Market Evolution: Pillar 4 could encourage more capital gain sharing models.

Comprehensive: Addresses immediate cash, final payment certainty, operator hardship, and alternative models.

7.3 LIMITATIONS

Complexity: Requires clear legislative definitions, application processes, and regulatory oversight (esp. for Pillars 3 & 4).

Transition: Applying retrospectively requires careful phasing (see Sec 6 & 10.2).

Defining Hardship: Clear, objective criteria needed for Pillar 3 extensions.

8. POLICY OPTIONS MATRIX (SUMMARY)

Policy Option	Timeframe	Resident Benefit	Operator Impact	Implementation	Retrospective Application	Overall Assessment (Synthesized)
Status Quo	Indefinite (relicense)	Very Low	None	None	N/A	Fails residents; unsustainable pressure for reform
28-Day Repayment	28 days	Very High	High	Medium	Challenging (needs phasing)	Optimal for residents; significant operator challenge
3-Month Repayment	3 months	High	Medium	Medium	Feasible (phased)	Good balance, still potentially hard for some operators
Four Pillars Approach	Initial: 5 days Full: 4 months	High	Medium-Low	Medium-High	Feasible (phased)	Recommended: Best balance of interests, practical
6-Month Repayment	6 months	Medium	Low	Low	Easy	Benefits too few residents (23%); significant delay
12-Month Repayment	12 months	Low	Very Low	Very Low	Easy	Benefits only 5% residents; inadequate
Trust/ Escrow Model	Immediate potential	Very High	Very High	Very High	Very challenging	Fundamental business model change; unlikely practical

9. QUANTITATIVE CASH FLOW MODELLING (BASED ON STARKS/MANUS)

9.1 ASSUMPTIONS (ILLUSTRATIVE)

Avg Unit Value: \$600,000

Avg Capital Returned: \$450,000 (after 25% DMF)

Annual Exits: ~4,862 (based on Manus)

Sales Distribution: 50% in 4m, 77% in 6m, 91% in 9m, 95% in 12m

Operator Cost of Capital: ~10%

Resident Opportunity Cost: ~8% (Illustrative, e.g., KiwiSaver growth)

9.2 OPERATOR CASH FLOW IMPACT (ANNUAL INDUSTRY ESTIMATES)

Model: ~\$65.8 million cost (1.3% revenue).

Four Pillars (4-Month): Net cost ~\$30-35 million (0.6-0.7% revenue), considering ~50% re-license before full payment due. Initial payment liquidity need ~\$243m (across industry, managed via cash/credit). Extension mechanism further reduces risk.

Model: ~\$15.3 million cost (0.3% revenue).

9.3 RESIDENT FINANCIAL IMPACT

Status Quo: High opportunity cost (e.g., \$36k/yr on \$450k @ 8%), stress, inability to fund needs.

Four Pillars: Immediate \$50k access mitigates urgent needs (funeral, bond). Full payment within 4 months dramatically reduces opportunity cost and uncertainty.

9.4 TRANSITION COST MODELLING (RETROSPECTIVE)

Requires careful management. Phased approach essential.

Year 1: Need to fund Pillar 1 initial payments (~\$243m industry-wide, spread over year).

Phased Pillar 2: Allows operators 12-18 months to adjust reserves/credit lines. Ongoing re-licensing significantly offsets the total theoretical capital needed at any one time. Hardship mechanism (Pillar 3) acts as final safety net.

10. RECOMMENDATIONS

10.1 OPTIMAL REPAYMENT TIMEFRAME AND MECHANISM

Adopt the Enhanced Four Pillars Framework:

PILLAR 1: INITIAL PAYMENT

Mandatory initial payment of 10% of the refundable capital sum or \$50,000 (whichever is greater).

Payable within 5 working days of notice to terminate or vacant possession (whichever provides earliest access for resident, needs precise trigger definition).

PILLAR 2: FULL REPAYMENT

Mandatory full repayment of the remaining capital sum.

Within 4 months from the date of notice to terminate or 3 months from the date of vacant possession, whichever timeframe concludes later.

PILLAR 3: OPERATOR EXTENSION APPLICATION

Formal application process for operators to seek temporary extensions (partial or full suspension of Pillar 2 payment) based on demonstrated undue financial hardship or insolvency risk.

Requires approval (e.g., by Registrar/Statutory Supervisor), mandatory interest payments to the resident at the Prescribed Rate (or similar benchmark) accruing from the original due date (or vacant possession), and public disclosure of granted extensions.

PILLAR 4: OPERATOR EXEMPTION APPLICATION

Formal application process for exemption from Pillars 1 and 2 for villages that demonstrably share 50% or more of the capital gains on unit resale with the exiting resident.

Enhanced Transparency:

Operators must report annually on average repayment time frames and number/duration of extensions granted.

Public register of extensions maintained by the regulator.

Disclosure of repayment policies and performance in marketing materials.

10.2 RETROSPECTIVE APPLICATION RECOMMENDATION

Apply the Enhanced Four Pillars Framework to ALL Occupation Right Agreements (New and Existing) via

Phased Implementation:

Legislation Enactment Date + X days (e.g., 30 days):

Pillar 1 (Initial Payment) requirement comes into effect for all exits occurring after this date.

Transition Period (e.g., 12-18 months from enactment):

Pillar 2 (Full Repayment) timeframe progressively shortens (e.g., starts at 9 months, reduces quarterly to reach 4/3 months by end of transition).

Pillar 3 (Hardship Extension) available throughout transition, potentially with slightly broader criteria initially.

Pillar 4 (Exemption) available for qualifying villages.

End of Transition Period:

Full Four Pillars framework applies as per 10.1 to all ORAs.

Clear regulatory guidelines on hardship criteria and application processes.

Supporting Measures:

Monitoring of implementation and operator adjustment.

Industry support/guidance, especially for smaller operators.

10.3 LEGISLATIVE IMPLEMENTATION PATHWAY

Primary Legislation: Amend Retirement Villages Act 2003 to mandate the Four Pillars framework, establish interest requirements, define hardship/exemption criteria gateways, grant enforcement powers, and enable retrospective application with phasing.

Subordinate Legislation (Regulations): Detail application processes, specific hardship evidence, interest calculation methodology (Prescribed Rate reference), reporting formats.

Code of Practice Amendments: Update Code to reflect new operational requirements and best practice standards for repayment processes.

10.4 MONITORING AND REVIEW FRAMEWORK

Ongoing Monitoring: Regulator collects and publishes data on repayment times, extensions, exemptions, and complaints. Monitor operator financial health indicators.

Formal Review: Conduct a comprehensive review of the framework's effectiveness and impacts 2-3 years post-full implementation, recommending adjustments if necessary.

11. CONCLUSION

The current lack of mandated exit repayment time frames in NZ retirement villages creates significant financial hardship and uncertainty for residents and their families. Overwhelming resident feedback calls for change. Financial analysis suggests the industry, particularly major operators, has the capacity to manage shorter, defined repayment periods.

The Enhanced Four Pillars Framework emerges from the analysis as the most balanced and practical solution. It provides residents with timely access to a portion of their funds for immediate needs and certainty regarding full repayment within a reasonable timeframe (4 months). Concurrently, it offers operators crucial flexibility through hardship extensions (with resident compensation via interest) and recognizes alternative risk-sharing models through exemptions.

A phased retrospective application ensures fairness for all residents while allowing the industry time to adapt. Implementing this framework requires legislative change but represents a vital step towards a fairer, more transparent, and sustainable retirement village sector in New Zealand, addressing a key consumer protection issue while maintaining operator viability.

REFERENCES

(Consolidated list based on sources provided - key reports and NZ-specific sources prioritised. If you require any URLs or links to the original documentation, please email admin@chayelai.xyz. If you want to, you can simply copy and paste into ChatGPT which will reveal original sources.)

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METHODOLOGY

this report was developed using
[Level 1]

Our Approach: Precision, Insight, and Partnership

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Every project begins with a focused conversation. We define your key questions and objectives, then expand them using proprietary research techniques to ensure broad and balanced coverage. This early phase is designed to capture not just direct answers, but meaningful context—setting the stage for deeper insight.

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Our research process scales with your objectives. Whether you need a high-level briefing or an in-depth, specialized investigation, we tailor the intensity and level of collaboration accordingly:

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the 1990s, the number of people in the world who are under 15 years of age is expected to increase from 1.1 billion to 1.5 billion.

As the world's population grows, the demand for food and other resources will increase. This will put pressure on the environment and on the world's resources.

One of the main causes of environmental problems is the increasing demand for food and other resources. This demand is driven by the growing world population.

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