

WARVRA Newsletter

April 2015 Vol. 15 No. 1
Issued Quarterly



WARVRA

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PRESIDENT'S REPORT

Due to moving into our newly renovated retirement villa and being busy with all the complexities that this entails I have, by necessity, had to limit my WARVRA duties this quarter. Nevertheless, some interesting visits and phone calls occurred.

I received several phone calls from members querying matters of concern to them which I was able to manage over the phone. WARVRA cannot always fix the problem but we can direct members to those who have the capacity to assist in resolving or clarifying members concerns.

Two very interesting visits one to Albany and the other to the Department of Commerce dinner for the presentation of awards to volunteers who have contributed to the community in which they offer their services. The awards night was held at the University of Western Australia's Uni Club where I enjoyed a very nice dinner. More importantly the calibre of the people receiving awards was amazing. Such committed and talented people who devote so much time to their area of service is an uplifting experience to witness.

The visit to Albany I undertook along with Ian Nordeck (Membership Development), was very successful. Several interested Albany retirement village residents attended our presentation and there was time to have a chat with attendees following our talk. Ian will be following up with WARVRA's contacts in Albany to help plan their next step.

We have several Seminars coming up; information about them is contained in this newsletter, so I hope to have the opportunity to catch up with more of our members during these sessions.

Colin Edwards, President

NOTICE OF GENERAL MEETING

A General Meeting of the Association will be held at the
***Piney Lakes Environmental Education Centre,
Leach Highway, Winthrop***

(The entry to the centre is on the south side of Leach Highway between Murdoch Drive and Winthrop Drive)

FRIDAY 8 MAY 2015 at 10.00 am

BUSINESS:

President's Report
Treasurer's Report
Legislation Update
Membership
Seminars Committee Report
Peel Region Sub-Committee (Ian Nordeck)
General Business

GUEST SPEAKER

The Guest Speaker for our May meeting will be a visitor from the Department of Commerce who will up-date members on the latest amendments to the Regulations effective 1st April 2015.

A brief overview of the Current Code will also be covered. This information is crucial to understanding your rights as a resident of a Retirement Village.

Members are strongly encouraged to attend.

NEXT GENERAL MEETING:

AUGUST 14TH AT PINEY LAKES 10 am

NEXT SEMINAR:

**Thursday May 7th 10am
Golden Bay Coastal Community Centre,
Tangee & Munja Rds, Golden Bay**

The program will include all of the following topics:
Budgets and Accounts; Forming a Residents Association and Residents Committee; Disputes and Complaints;
Family Friendly Exit procedures

WARVRA Newsletter

Next Issue

31st July 2015

All contributions should be received by Wednesday 22 July
Contact Secretary for more information

Western Australian Retirement Villages Residents Association Inc

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WARVRA COMMITTEE DIRECTORY 2015-16

President	Colin Edwards	95356005, 0427 247 514	talworth40@gmail.com
Vice President	Verelle Ward	9204 3402	jonver2@bigpond.com
Secretary	Des Cousins	9407 7849	dcousins@iimetro.com.au
Treasurer/Membership	Ron Hasluck	9456 1991	rhasluck@bigpond.net.au
Membership Development	Ian Nordeck	9534 7650	ianandreae@internode.on.net
COTA Representative	Ron Lullfitz	9388 8645	lullfitz@myway.com
Legislation & Advocacy (C)	David Street	9586 1667	davenwen@multiline.com.au
Legislation & Advocacy	Arthur McCarthy	9447 4077	
Legislation & Advocacy	Len Rathmann	9332 7764	rhondalenr@yahoo.com.au
Seminars Co-Convener	Julia Lynch	9350 6872	julialynch@westnet.com.au
Seminars Co-Convener	Brian Davies	9387 3832	brilee5@optusnet.com.au

NEW CORRESPONDENCE ADDRESSES

PRESIDENT	Colin Edwards	11/10 Hungerford Avenue, Halls Head 6210
SECRETARY	Des Cousins	26 The Rise, Mindarie 6030
MEMBERSHIP	Ron Hasluck	23/41 Geographe Way, Thornlie 6108

WARVRA President's Profile, March 2015



My name is Colin Edwards. My wife Chris and I (*and our dog*) have lived and been actively and happily involved in Retirement Village living and Resident Committee activities for nearly nine years.

I have also been a WARVRA Committee member for two years with some involvement with both the Legislative Review and Forums/Seminars sub committee groups.

I consider my appointment as President by the Committee this year as an honour but also somewhat onerous in recognising the tasks performed so professionally by my predecessor Des Cousins over the last number of years

I take confidence in my role however as being part of a very experienced, knowledgeable, dedicated and supportive team who collectively are self-committed to all our members and the goals of WARVRA.

I look forward to meeting many of you at meetings etc and working for and with you as required during 2015

Colin Edwards, WARVRA President

VILLAGE GROUP MEMBERSHIP

Numbers are strength!

We need more members to be credible!
Why not join WARVRA as a Village Group?
Just \$2 per year per village residence
Contact Ian Nordeck 9534 7650
ianandreae@internode.on.net

LEGISLATION REPORT

At long last the final “tranche” of the Amendments to the Retirement Villages Act, Bill # 1, Regulations and Code were gazetted on March 24, and effective from April 1, 2015.

Approval was granted to provide transitional provisions in the RV Code for those clauses that impact on budgets, quarterly and annual financial statements. RV Amendments Regulations approval was granted for a staged commencement, particularly where there is impact on drafting new residence contracts.

Time Frames are;

1) Clauses 17,18 & 19, of the RV Code will have until 1 July 2016, to implement those provisions. This refers to full Financial Reporting to Accountancy Standards in Operating Statements and Reserve Funds. This includes quarterly financial reporting, consultation prior to presentation and acceptance of the next year’s financial budget. However the other issue that we sought to have included was **“A Statement of the Village Financial Position”**, which was strongly opposed by certain industry members on the basis **“There are some operators who have a number of villages and or aged care facilities, pool monies received from operating expenses in one account. Industry argues that it is not possible to provide such a annual statement for these monies as it is costly to make changes to accounting systems”!**

This statement will be of significant concern to a number of our members.

The issue has been deferred for consideration in the preparation for Bill #2.

In the interim, a requirement has been inserted for notes to annual financial reports to disclose on “operating costs”, the “opening balance of accumulated surplus or deficit for the financial year”.

ALL OTHER CLAUSES IN THE CODE COMMENCES ON APRIL 1, 2015.

2) Regulations that mandate or prohibit matters or provisions being included in residence contracts commence on October 1, 2015.

These relate to Reg.7E, “communal amenities and variations to communal services and/or their introduction.” Reg.7H, relates to “urgent repairs for emergency services”, eg; electricity, gas, water, hot water, sewerage, and refrigeration, to be inserted in new contracts.

As a large number of the mandated provisions are under the Interim Code, (now the code), these mandated provisions, (Division 3,regs sects; 7A-7H), will apply to new contracts only.

3) However, provisions “That must not be included in contracts, (prohibited provisions), that will apply to ALL residence contracts regardless of when entered into”. (Division 4 regs).

This includes; variation of contract, financial matters including certain repairs, maintenance, and specific alterations. Exit fees must be calculated on a pro rata daily basis including any contribution to a village reserve fund.

4) Reasonable Test for Refurbishment. This issue is often a contentious one and provision has been made in Section 7G as to who will share costs, responsibility and maintenance.

5) Right of the Administrating Body, (AB), to attend residents’ meetings **to consider a special resolution. WARVRA’s recommendations were;**

- a) The AB to have the right to be present at residents meetings,
- b) Have the right to present its point of view on any special resolution in which the AB has an interest,
- c) Leave the meeting after residents have heard any submission by the AB on the issue, at the request of the majority present, so residents may continue the discussion without the presence of the AB.

The Dept. has confirmed that clauses in the RV Code have been drafted applying these principles as proposed by WARVRA.

For members’ further information the Gazetted copy of the new amendments’ are available from the government printers web site. The Dept of Consumer Protection has prepared “A Transition Table; Interim Code and RV Code”, which details the transfer of changes and sections of the code to regulations.

A full update of latest amendments are now available, go to “wa fair trading(retirement villages code) regulations 2015” and it can be downloaded. (58 pages).

At the May 8th next quarterly meeting at Piney Lakes, the Committee has arranged with the Dept, for a representative to give a presentation on the Amendments. We urge you to attend and “bring a large note book”!

OTHER ISSUES;

1) At a previous General Meeting, the issue of standard Council Rates being charged to Village residents was again raised. Members may remember that in September 2013, Committee wrote to the W.A. Valuer General, (VG), on this matter. We considered there should be a reduction allowance to retirement villages on their Councils rateable value (RV), as villages maintain their own internal infrastructure including, roads, street lighting, water and sewerage underground cables etc., which would mean Councils giving a dispensation to village residents.

A reminder was posted in January, 2014, followed up with a letter from David Templeman, MLA, with an answer received in mid-February. The VG stated that they were strictly following the guidelines as laid down in the Act and it is up to the Council to grant any dispensation. Needless to say after discussions with some Councils, it appears they are not interested. We therefore urge Residents Committees to discuss this issue with your local state Member of Parliament and acquaint them of the situation that retirement villages maintain their own internal roads, street lighting, water, sewerage and underground cables, with NO assistance from service providers and why should we not receive an allowance on our council rates?

2) The problems of electricity charges to some villages which have “Master and sub-meters” has again been brought to our notice.

Following representation in 2014, by a member village,

Time Caps On Recurrent Charges for Former Residents

One of the major achievements we secured in the first set of amendments to the Retirement Villages Legislation was the placing of a cap on the time when a former resident would have to continue paying recurrent charges in a village after permanently vacating their residential unit.

The time cap for residents who were in their place before 1 April 2014 is 6 months once they have "permanently vacated". For residents who have come into a village after 1 April 2014 is only three months.

You need to be aware:

- the time cap arrangements only apply to residents in non-owner villages (where the resident has a lease or licence). This does not apply to residents in strata title or purple title villages.
- "permanently vacated" has a very specific definition which must be complied with fully.

Permanently vacated means:

- (a) if required by the residence contract, the administering body has been given notice of the former resident's intention to vacate the residential premises; and
- (b) the goods and belongings of the former resident have been removed from the residential premises; and
- (c) the former resident has ceased to reside in the residential premises; and
- (d) the right to exclusively occupy the residential premises has been given up by the former resident (or, if the former resident is deceased, by the estate of the former resident) by returning the keys to the residential premises to the administering body."

(Retirement Villages Act section 23 (1))

By now, some former residents should have been "permanently vacated". Are there any in your village? When the time cap begins, the administering body of the village must pay into the village operating account an amount equal to the recurrent charge that the former residents would have paid. Is this happening in your village?

A full explanation of the time caps and a worksheet to help through the process can be found on our website (warvra.org.au) under the Resources/Current Residents tab.

Legislation Report

continued

to the Energy Minister to rescind the decision to charge commercial rates to village residents who have a sub-meter system was achieved. This applies to either Synergy or an electricity on-seller who purchases these supplies from Synergy "cannot charge a price for power consumption that is more than the per unit charge in the residential (A1) retail tariff." In another specific case a member village approached the Minister via David Templeman, MLA, over the excessive charges per unit to residents where electricity was being supplied by an independent supplier. In his reply the minister made it quite clear that, "The Exemption Order also provides that all on-sellers of electricity to residential customers must limit any fixed fees or charges for power supplies to the daily standing charge for the residential (A1) retail tariff." In his written reply, he also stated he has received similar concerns from other retirement villages and has requested advice on the inconsistency of regulatory requirements. WAVRA have written to the Minister for further advice on the issue.

We suggest that where sub-meters apply, residents committees check out their current status of electricity charges for their residential units.

David Street
Legislation & Advocacy, WARVRA

WARVRA Village Representative

Do you want to be kept in the loop?

The WARVRA Committee has been unable to obtain information on the office-bearers of some Residents' Committees for privacy reasons.

A nominated WARVRA representative from your Village will overcome this problem and ensure that all our communication from WARVRA are referred to your Residents' Committee and residents.

Appoint a Village Representative today

Please contact:

Ian Nordeck, Membership Development WARVRA
Unit 57, 22 Carnegie Place, Greenfields WA 6210
Email ianandrae@internode.on.net. Phone 9534 7650

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2015 SEMINARS PROGRAM

Please keep this program for future reference

FORUM FOR PROSPECTIVE RESIDENTS

Thursday 17 September 2015, 10.00 am at Piney Lakes

Cost \$10.00 per person. Please register for this Forum by phone, email or registration form.

Tell your friends, neighbours & family about our Forum, they will receive valuable information from Village residents about Village life.

MEMBER SEMINARS all at 10 am

Thursday 7th May at Golden Bay Coastal Community Centre, Tangee & Munja Rds, Golden Bay

Thursday 21 May 2015 at Piney Lakes

Thursday 4 June 2015 at Forrest Road Hall, 47 Forrest Road, Padbury

Each program will include all of the following topics.

Budgets and Accounts; Forming a Residents Association and Residents Committee;

Disputes and Complaints; Family Friendly Exit procedures