



**GENERAL MEETING**

13 May 2016 at 10.00am

**Piney Lakes Environmental Education Centre, Winthrop**

16.05.01      **Open:**            10.00 am

16.05.02      **Attendance and Apologies:**

**Attendance:**            63 Registered (some members signed the apologies register)  
**Apologies**                23

16.05.03      **Minutes:** of the general meeting on 13 November 2015 were confirmed.  
Moved: Brian Davies    Seconded: Bernard Francis    Carried

16.05.04      **Business Arising from the Minutes:**  
Nil

16.05.05      **Correspondence**  
Nil

16.05.06      **Reports:**

6.1      **President** - Colin Edwards

6.2      **Treasurer** - Bob Hamilton

6.3      **Legislation and Advocacy** – Des Cousins

1.      **Forms 1 and IA:** Amendments to the Regulations were gazetted on 23 March 2016 and became operative on 1 April 2016. The amendments include the new forms 1 and 1A and some minor consequential amendments to other parts of the Regulations so that short-term rental agreements do not need to comply with parts of the regulations that are not applicable to them. The consolidated Regulations as at 1 April 2016 have been uploaded on the website.
2.      **Retirement Village Scheme (RVS):** A paper has been prepared drawing the conclusion the items covered by Regulations 7A – 7L (which set the items that must be included and which must not be included in a residence contract) constitute the RVS. From an administration aspect, a standard format would assist in the application of the legislation. Accordingly, the Committee will renew its consideration of the NSW
3.      **Definitions: There are a number of questions under consideration:**
  - a) What are elements required for a “place” to be called “a retirement village”?
  - b) How to identify those villages to which the RV Act applies?
  - c) Is the payment of a premium a necessary pre-requisite for a RV or a RVS?
  - d) Is the continued use of the title “retirement village” appropriate for over-55’s villages as the pensionable age moves upward to 70? Is there an alternate title that is more acceptable? The problem with any change is that all the Australian legal jurisdictions are using the title “retirement villages” in their legislation.
  - e) Should the definition of a “retired person” be amended to delete reference to being “retired” and simply refer to the minimum age? Under the present definition, a

retired person of 35 years of age would meet the qualification for being a resident of a retirement village.

4. **Advocacy:** The advocacy load is increasing significantly and rapidly becoming more than we can manage as an organisation of volunteers. We certainly cannot provide the level of assistance being asked without more helpers. Here is a brief list of matters being dealt with at present: assistance with applications to the SAT; assistance with complaint about reserve fund; audit charges and 2016-17 budgets; Strata Title Villages (2) – complying with both the RV and Strata title legislation; withdrawal of a communal service without proper consultation with residents; correct process for amendment of village rules; possible improper sale of a unit to a non-resident; change of village style, financial losses to original residents; mediation in dispute between a resident and the Residents Committee; levy free periods as a sales inducement; recognition of the Residents Association Committee as the Residents Committee. In addition there are many queries and requests for advice that are dealt with quickly by telephone but they all take time!

6.4 **Membership** – Ian Nordeck

6.5 **Education-** Julia Lynch

6.6 **ARVRA-** Verelle Ward *[note correct spelling of ARVRA and Verelle]*

Verelle and Colin joined in on a tele conference with other member States held in the Property Council Boardroom. WA gave a brief account of where the Retirement Village legislation is currently at.

Vic. Lobbying for minimal standards for real estate agents selling Retirement properties.

Q'land Having issues with village operators

ACT Bullying issues

NSW Trying to put together a standard contract for residents in retirement villages. To date the proposed contract only deals in part with the issues requiring addressing.

The sponsor supporting ARVRA has withdrawn their support and another is being sought.

A summary of all States presentations will be circulated to members of ARVRA when available.

Colin felt the tele conference was well worthwhile. WA has the largest number of members.

16.05.07

### General Business

7.1 **Incorporation** – Des Cousins - The new Associations Incorporation Act comes into force on 1 July 2016. These actions are required immediately:

1. **Notify the Department of the Association's address.** If your address is not up-to-date, complete Form 4.
2. **Check eligibility requirements for members on Committee.** Under the new law, a person is excluded from being on the Committee if they:
  - are bankrupt or their affairs are under insolvency laws;
  - have been convicted of an indictable offence in relation to the formation or management of a body corporate in the last 5 years;
  - have been convicted of an offence involving fraud or dishonesty punishable by at least 3 months imprisonment in the last 5 years;
  - have been convicted of an offence under the Act where a person has allowed an association to operate which insolvent in the last 5 years.
3. **Give all new members a copy of the Constitution when they join.** It will be acceptable for associations to EMAIL copies of the Constitution or direct members to obtain a copy from their website.
4. **Prepare accounts to comply with the Association's financial reporting tier.** Most residents association will be in tier 1 for financial reporting, having an annual income of less than \$250,000. For a Tier 1 association, using cash accounting, the reporting requirements are:

- a statement of receipts and payments for the financial year;
- a reconciled statement of the association's bank balances as at the end of the financial year; and
- a statement of assets and liabilities of the association as at the end of the financial year.

5. **Start considering what changes will required to your Constitution.** All associations will need to make changes to their constitutions. These should be minimal. Associations will have 3 years to make the necessary constitutional amendments from the start of the new law.

7.2 **Bulk Billing Petition** – Doris Thobaven – Pines Ellenbrook addressed the meeting. There is a petition on line for people to register their concern about the government's intention to remove bulk billing for pathology tests. The petition can be found on [www.dontkillbulkbill.com.au](http://www.dontkillbulkbill.com.au)

### **MORNING TEA BREAK**

#### **16.05.08 OPEN FORUM**

- 8.1 Kay Jones - Leederville Gardens  
Villages built on Crown Land – Kay's understanding is the Board running the village owns the Village Kay wanted to talk with other village residents who also live on Crown land who were run by a board. None present.
- 8.2 Eugene Brown - Rowthorpe  
Village has no Reserve Fund – is a Reserve Fund compulsory? Juniper has introduced 40% then 60% increase in fees to cover the commencement of a Reserve Fund. R.F has not been compulsory but will in the future. Issue of charges are documented in resident's contracts.
- 8.3 Keith Edwards - Arcadia Waters  
Reserve Fund has two purposes in his village, one being asset depreciation which monies are being removed from the fund. Surplus is not being returned to residents funds. Issues addressed by Des.
- 8.4 Maureen McCormack - Bayswater  
Budget issues
- 8.5 Kay Jones  
Contracts, there are several different contracts in the village. Can contracts be changed without resident's knowledge? Resident needs to agree to any contract changes.
- 8.6 Maurice - Patricia Teague  
Budget paper work. Must be received by the end of May to comply with the Act.
- 8.7 Mike Carter - MHV  
Is there a model budget available? No. Compulsory items listed in the Code Clause 17. Sub clause 3 lists items to be included in the budget. Sub clause 4 lists reserve fund items. February newsletter has relevant items of interest for those seeking to better understand budgeting requirements.

9. **CLOSE MEETING** 12.05 pm

10. **NEXT MEETINGS:**

**Next General Meeting** 12 August 2016: Piney Lakes Environmental Education Centre, Winthrop

**Next Peel Meeting** 20 July 2016: Affinity Village, 38 Norwood Ave, Baldivis

Julia Lynch  
A/Secretary  
13/05/2016