



MINUTES of ANNUAL GENERAL MEETING

12 February 2016

Held at Piney Lakes Environmental Education Centre, Winthrop

16.02.01 Opening

President Colin Edwards welcomed all in attendance and opened the meeting at 10.00 am.

16.02.02 Present 63 As per register

Apologies 20 as per register

16.02.03 Minutes of General Meeting held 13 November 2015

Minutes had been circulated previously. Confirmed as a correct record.

16.02.04 Business Arising From Minutes Nil

16.02.05 Correspondence

- Commercial Solar PV-RV (Western Power)
- False Fire Alarm Fee (Director of Legal & Legislative Services)
- New Laws for Incorporated Associations (Department of Consumer Protection)

16.02.06 Reports

06.1 President – Colin Edwards

The President delivered his Annual report

Good morning everybody and thank you for your attendance

Sincere apologies from Committee members Des Cousins, Julia Lynch who are unable to attend today.

Before I launch into my report, can I please call on**Ron Hasluck, Brian Davies,**

Ron Lullfitz and Len Rathman All to please stand

These gentlemen have all worked selflessly for various periods from one to nearly ten years on your behalf as Committee Members of WARVRA. All have personal issues that preclude them from continuing and I ask you to show your appreciation for their contributions – they will be much missed by us all and difficult to replace.

As the main initial contact for members (and often non-members) enquiries I have received a total of nearly 25 calls this year so far. Some of course are day to day queries ie where is or what is the phone no of such and such a village, what does WARVRA do, how do I deal with next door's dog barking or simply the most common queries on Exit Fees but many relate to Village or owner manager issues. Others can be much more challenging that involve and require reference to the Retirement Village Code and Regulations. ie disputes, village changes without discussion with residents, non-compliance with the new Code & Regs. etc. etc.

All these and more are dealt with by Des and his Legislation team as part of our overall Advocacy service to you, our members. **(Des' Report)**

During 2015 we have had a remarkable increase both in our membership and creation of regional branches. (Ian's Report)

All this activity and losing four most valuable team members and our plans to increase our exposure to members by visiting villages with "on call" information and Advocacy provision.

As I have reported in our recent newsletter we really need some help to deliver the best service we can as volunteers.

It can be very satisfying meeting fellow villagers and helping them come to terms with their contracts and village conditions particularly if you feel you can relate and communicate with others.

Please contact Myself, Des Cousins or Verelle Ward if you feel you can assist.

Finally, you may have noticed The Property Council and it's members taking a great interest in the aged care field. Given the current property financial climate it could be perceived they would need new avenues of revenue within villages but at what cost to existing residents.

Questions were raised at our Peel Branch meeting on various aspects of this development that is Nation Wide and the matter referred to this meeting for some broader member discussion and possible action. This will follow our morning tea.

My sincere thanks to all our members for your support during 2015 and in particular my Committee for their patience and support to me.

06.2 Treasurer – Ron Hasluck

The Treasurer, spoke to his audited financial report (attached).

It was agreed that the audited accounts for 2015 be accepted.

06.3 Legislation – Des Cousins

In the absence of Des Cousins, his report was read by Vice President Verelle Ward. (attached)

06.4 Membership development - Ian Nordeck

Ian presented the membership report outlining the increase in membership in 2015. (attached)

16.02.07 Election of Committee of Management for 2016

As per the WARVRA Constitution, 10.1(a) the committee has a maximum membership of 10 elected members, plus may co-opt up to two additional members for their special skills/abilities as advisors/assistants.

Colin Edwards (Halls Head Village, Halls Head), **Julia Lynch** (River Pines, Wilson), **Verelle Ward** (Parklands, Woodlands) and **Arthur McCarthy** (Meath Mews, Trigg) all have one more year of their current term to run

Nominations have been received for **Des Cousins** (*Harbourside, Mindarie*), **Ian Nordeck** (*St Ives, Mandurah*), **Val Brown** (*Affinity, Baldivis*) and **Bob Hamilton** (*St Ives, Mandurah*).

As the total of nominations (4) does not exceed the number of vacancies, a ballot was not needed and the nominated persons were declared elected to the Committee for the next two years.

Office bearers and sub-committee members will be appointed at the first meeting of the new Committee on Friday 12 March 2016. Members are reminded that the Constitution allows for the co-opting of further members to the Committee.

16.02.08 General Business

The president thanked Chris Edwards and the Ladies for Morning Tea.

Fred Gfeller (Lady McCusker, Duncraig): Budget Surplus distribution. Committee problems. Administrator can be appointed by SAT. Village can operate without a Residents' Committee.

Ian Nordeck (St Ives, Mandurah). Residents need to be aware that Village Management may be seeking ways to extend the period before granting permanent vacancy and therefore, the commencement of the cap period.

1. In some cases a village requires probate to be granted before permanent vacancy is approved.
2. A village may require refurbishment costs to be approved and signed off before permanent vacancy is approved
3. Refurbishment costs will not be considered until property sale has been settled, then refurbishment planning/costs will commence.

These comments/complaints have been made verbally at recent meetings

Eugene Browne (Rowethorpe) What is difference between capital expenditure genuine expenditure?

Don Watson (Lakeside, Bibra Lakes) Monthly fees. No new ruling for Strata or Purple Tile only lend/lease. Capital Items are listed in lease.

Graham Murray (Foley Village, Hilton). Reserve Fund not always in credit. No maintenance being carried out.

Eric Pamment (Arcadia Waters, Maddington). Voting per house or per resident? Depends on contract

From Peel Regional Meeting

Motion-

1. The need to define Independent Retirement Living in relation to Aged Care facilities.
2. To give a voice to Residents who have committed to buying into Independent Retirement Living villages equal to that of Village Management (for profit or not for profit) who have a financial interest in selling villas.
3. To take into consideration Insurance implications in circumstances where Residents help or respond to a neighbour and any injury occurs to either party or any legal implications arising from such help.
4. If there is a majority of agreement a group representing Residents' interests in the push by Alzheimers' Assn and the Property Council of Australia who are promoting incorporation of dementia-friendly policies in Retirement Villages.
5. Representation through WARVRA at State and Federal level for a voice representing Retirement Living residents to be part of discussion relating to any changes of policy which impact them.

Due to time constraints the motion was deferred for discussion at Committee.

16.02.09 Next General Meeting

Friday 13 May 2016 at Piney Lakes Environmental Centre, Winthrop

16.02.10 Meeting closed at 12.15 pm

TREASURER'S REPORT

Statement of Receipts and Payments for year to 31 December 2015

	Amount	Balance
Receipts		
Membership	13,620.00	
Bank Interest	7.39	
Donation	10.00	
Forums	830.00	
Total		<u>\$14,467.39</u>
Expenditure		
COTA WA Membership	65.00	
Legal Fees S Whitaker	1,000.00	
Telstra	1,015.01	
Colin Edwards Expenses	1,578.41	
Venue Hire	2,015.64	
Advertising	584.76	
Insurance	779.47	
Stationary	268.05	
Computer Expense	697.40	
Membership Expenses	3,532.96	
Postage	1,238.07	
Total		<u>\$12,774.77</u>
Net Surplus		\$1,692.62
Opening Balance 31/12/15		\$7,939.59
Add Income		<u>\$14,467.39</u>
		\$22,406.98
Less Expenditure		<u>12,774.77</u>
		<u>9,632.21</u>
Bank Reconciliation at 31/12/15		
Balance Statement		\$11,076.12
Outstanding Cheques 1510 & 1536		\$1,443.91
Balance of Cash Funds 31/12/15		\$9,632.21

Investment Account year ended 31 December 2015

Details	Interest Earned	Amount
ANZ Term Deposit # 1		12,330.08
17 June Interest Reinvested	181.37	12,511.45
17 December Interest Reinvested	156.22	12,677.67
ANZ Term Deposit #2		16,029.37
30 June Interest Reinvested	528.96	15,558.33
ANZ Term Deposit #3		6238.67
26 November Interest Reinvested	202.13	6440.80

Summary		
Total Interest earned for Year	1,068.68	
Term Deposits Balances at 31/12/15		
Deposit #3	6,440.80	
Deposit #1	12,667.67	
Deposit #2	<u>16,558.33</u>	
Total Term Deposits		35,666.80
Plus Cash at Bank		<u>9,632.21</u>
Total Equity.....		45,299.01

Treasurer: Ron Hasluck
Auditor: Margaret Holmes
Date: 31/01/2016

LEGISLATION AND ADVOCACY

THE COMMITTEE

During 2015, the Committee consisted of David Street (Convener), Verelle Ward, Arthur McCarthy, Len Rathmann, Peter Thobaven and Des Cousins.

For health reasons, Len Rathmann resigned from the Committee in January and David Street took leave of absence in September. Des Cousins was appointed Acting Convener in David's place. David has since had major surgery and has a lengthy period of recuperation ahead of him. He has advised that he will not, therefore, be standing for re-election to the WARVRA Committee and to the Legislation and Advocacy Committee.

David has been a member of the Legislation Committee for the last four years, right through the time of the introduction and implementation of the first part of the amending legislation following the Review of the Retirement Village Legislation completed in November 2010. He has been a diligent and faithful member of the Committee and more recently its Convener. We thank him most sincerely for his contributions to this aspect of WARVRA's role and for the great pleasure of knowing and working with him as a colleague.

LEGISLATION CHANGES

During this year we have seen two sets of changes to the suite of legislation for Retirement Villages.

On 1 April 2015, further amendments to the Retirement Villages Regulations and a new Retirement Villages Code were enacted.

The amendments to the Regulations largely consisted of those matters that must be or must NOT be included in a residence contract. Many of these items were simply updates of provisions that had existed for a long time in Division 4 of the Code. Some new matters were included to apply to all contracts, old or new (no variations to communal amenities or services without resident agreement and urgent repairs organised by residents at village expense). Full details of the matters now deemed to be included in all contracts signed before 1 October 2015 were included with the Newsletter in October 2015

The Code was completely revised and re-written. The major changes from our perspective were those relating to financial reporting obligations which become effective with the beginning of the next financial year. Your committee will be closely monitoring the way administering bodies implement these changes in the budgets coming out in the next few months. Indeed, we consider this matter so important that I am an apology at this meeting that I can attend a two day training session on Retirement Village Budgeting. The last page of the current newsletter sets out details of the matters that you should be monitoring with your operator in the coming years budget – contact us if you are at all uncertain that they are not complying with the new Code.

On 1 October 2015, some sections included in the April 2015 amendments to both the Regulations and Code became effective.

All of these changes have been included in the versions of the Act, the Regulations and the Code that can be accessed through our website. The versions there are in a printer friendly form for A4 paper.

There is only 1 matter still outstanding from the amendments made possible to our Regulations and Code by the 2012 Amendment to the Act – that is, the updating of Form 1 (the pre-disclosure statement) and the creation of a smaller version of that form (to be called Form 1A) for rental units in Villages. The owners are being very argumentative over these forms and the process is taking an inordinately long time. Of course, these changes will have no implications for existing residents.

FUTURE LEGISLATION CHANGES

We have recently consulted with the officers of the Legislation and Policy Branch of the Consumer Protection Division of the Department of Commerce about their timetable for implementing the remaining changes (and other matters that have subsequently arisen) from the Review of the Legislation. They were not able to give us an indication of what they are working on or when there would be any consultation with ourselves and the other stakeholders.

We are not prepared to just sit back and wait for the Government officers to find the time and/or the resources to complete the tasks given to them as a result of the Final Report on our legislation. That report was tabled in the Parliament in 2010 and the Government's dilatory and almost reluctant approach is an indictment on the whole process of consumer protection.

We have begun a process of working through all the issues listed by the Government and already have made two submissions to them. The Committee is meeting each month to progress this program of work.

ADVOCACY

Most of the time, our advocacy work consists of verbal phone advice to members who approach the President or me. Sometimes, we write more detailed information and sometimes we stand alongside members as they engage in formal dispute processes.

At present, we have a number of matters proceeding:

1. Joseph Banks SAT Application: The Residents Committee has taken two matters to the SAT (one relating to an increase of fees to fund a manager not envisaged in the Village's Form 1 and the other relating to clarifying the residents rights to the use of the Clubhouse. The matter is currently in mediation under the oversight of a Tribunal member and the Clubhouse matter is close to resolution in the residents' favour. The other matter may founder on a technicality in which case a new application will probably be made when the next budget round is completed. WARVRA's honorary solicitor has assisted in the early clarification of issues and Des Cousins has supported the residents at each of the 4 Tribunal hearings so far.

2. Patricia Teague Villas, Duncraig: We are supporting the residents as a Department of Commerce investigator reviews the use of the reserve fund (called the Major Refit Fund in their contracts). This investigation was ordered by the Minister after their local MLA sent information to the Minister. This is a reminder to make use of local, state, members of Parliament.

3. We are available to attend residents meetings in Villages to support the residents using a proxy provided by a resident who is unable to attend. Anyone can be appointed as a proxy. Des Cousins attended the accounts presentation at Joseph Banks village meeting holding a proxy for a resident. The Property Manager for Retirees WA subsequently advised our President that I would not be welcome at any more of "his" (sic) meetings and that if I was present the meeting would not proceed. I have complained to Commissioner of Consumer Protection that the threat to bar me from any future meeting (if I am holding a proxy) is a potential breach of the Code. The Commissioner for Consumer Protection has now appointed an investigator to look into the matter.

4. We have been collecting material related to the contract in a Strata Title Village where the residents have been forced to cede many of their powers as strata lot proprietors to the village developer. We would be interested to hear from any other residents in strata title villages who have concerns about the operation of their village scheme.

FINALLY, NEW HELPERS NEEDED

With the near conclusion of all the matters arising from the 2012 Retirement Villages Amendment Act, the Legislation and Advocacy Committee is entering a new cycle of work. We have to think through all the issues already listed for the second amendment bill as well ones that have arisen in the 4 years since it was prepared for Parliament and we have also to help residents in an increasing number of areas of dispute with management groups.

We are very short of resources here!! We urgently need three or four more people who can

- read and understand legislation critically and are prepared to study all of our legislation in detail and become familiar with it; and
- who can prepare reasoned and reasonable proposals to amend and improve the legislation: and
- who can help others to understand the legislation and guide them through seeking solutions to their problems.

If you or someone you know can help, we would invite you to a meeting of the Legislation and Advocacy Committee so that you and we can see if we could work productively together for the good of retirement villages in this state. Please contact me – 9407 7849 or dcousins@iimetro.com.au

Des Cousins
A/Convener

MEMBERSHIP DEVELOPMENT REPORT

Membership Details:

01/09/2014 74 villages, - 9,000 members
31/12/2015 93 villages - 10,839 members
12/02/2016 96 villages – 11,200 members

New Villages:

Silver Vines, Margaret River; Foley Village, Hilton

Regions:

Regional Development has been completed and now consists of the Mid West, Peel, South West and Great Southern, all of which are performing satisfactorily with Convenors elected in each Region. More work will be done this year recruiting villages in the Regions to build up the numbers.

Metropolitan Development:

Increased activity is required both north and south of the river. Whilst we have a very good team south of the river, we urgently need support of volunteers north of the river. To this end, planning is underway to advertise in the next Newsletter to see if we can attract volunteers.

Response to Mail-outs:

The response to the mail-outs was very good but they are an expensive form of activity.

The decision has been taken by the Committee to take member education direct to our member villages. Following the promotion of this service in the Newsletter, several villages have contacted me requesting in-house presentations, which we have been pleased to supply, but we need a team in the northern suburbs urgently – equipment, training and support guaranteed!!

Presentation Services:

We have to date developed three presentations, namely:

- Why Join WARVRA – The Benefits of Membership
- Exiting Your Villa
- Budgets and Financial Reports to Residents

We believe there is a need to develop further presentations and are considering the following topics:

- Legislation
- Advocacy
- Residents' Committee – Constitution and Committee Members

The future looks very good – we are very active and achieving good results.

Remember “Membership Matters” and with your continued support and encouragement, who knows what may be achieved.

Ian Nordeck
Membership Development
12/2/2016