

WARVRA Newsletter


WARVRA

Strata Titled Retirement Villages

LEGISLATION AND DOCUMENTATION

Legislation

Strata Titles Act – I will deal with this Act first as it is upon this that the title to your villa/unit/lot is based. It provides for the creation and operation of the strata title Scheme which is registered at Landgate and upon which your strata title is based. This Act has a very wide application in the community and there is very little reference to retirement villages within it. Under this Act you are referred to as the “proprietor” of “the lot”.

The Act provides that there must be a Strata Company, and it lays out the rules under which the Strata Company operates. Some rules are in the Act itself, and there are Schedules attached to the Act which contain By-laws which apply to all Strata Companies and proprietors within the Scheme but which are amendable, some with great difficulty and others not so difficult. The First Schedule contains matters of a constitutional nature and the Second Schedule covers other aspects of the operation of the village as well as behaviour within the village.

You may find your village has another set of Rules or by laws attached to the agreement/deed/contract, and the two should not be confused.

Retirement Villages Act – This deals with the agreement/deed/contract which establishes the relationship between the resident and the administering body of the Retirement Village, and the services which is delivered to the resident by the Administering body. This Act only applies to those villages where a memorial has been registered on the Title to the land, at Landgate. Under this legislation you are referred to as “the resident”.

Documentation

At the outset, both the Strata Titles Act, and the Retirement Villages Act provide that the prospective buyer/resident be given documentation making disclosures, so that you can make an informed decision as to the arrangements you are intending to enter. As part of the negotiations when buying into a village, a disclosure document is given to the prospective buyer and this contains the two sets of disclosure documents. This is part of the State Consumer Protection legislation and is administered by the State Department of Commerce. If disputes cannot be resolved by the parties or the Department of Commerce, then usually they can be taken to the State

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NOTICE OF

ANNUAL GENERAL MEETING

The Annual General Meeting of the Association will be held at **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 10th FEBRUARY 2017 at 10am

AGENDA

President's Report; Treasurer's Report
Legislation and Update
Membership Update
Election of Committee Members
General Business

COMMITTEE ELECTIONS

Elections for membership of the Committee are due at the meeting on 10 February 2017. Ian Nordeck, Val Brown, and Bob Hamilton all have one more year of their current term to run. Des Cousins would also have had one more year but he has resigned

Colin Edwards, Julia Lynch, Arthur McCarthy, Verelle Ward have complete their two-year term. Colin and Verelle are not offering themselves for re-election. There are 7 positions to be filled. Nominations have been received from Julia Lynch (*Murray Village, Mandurah*), Arthur McCarthy (*Meath Care, Trigg*), Frank Egan (*Belswan, Pinjarra*), Laurie Varendorff (*St Louis Estate, Claremont*), Robert May (*St David's Retirement Centre, Mt Lawley*).

As the number of nominations received does not exceed the number of vacancies on the Committee, no ballot will be necessary. The remaining two vacancies can be filled during the year by the Committee in accordance with the WARVRA constitution.

Guest Speaker

Speaker from COTA (TBA) has been confirmed for the AGM. Presentation will be “the outcome of a Forum held to discuss issues facing seniors”. COTA will select major issues after evaluating all feedback to present to the State Government prior to the elections in March.

Western Australian Retirement Villages Residents Association Inc

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WARVRA Committee Directory 2016-17

Name	Role(s)	Phone	Mob	Email	Correspondence
Colin Edwards	President & Advocacy	08 9535 6005	0427 247 514	president@warvra.org.au	11/10 Hungerford Avenue, Halls Head 6210
Verelle Ward	Vice-President & Legislation	08 9204 3402	0447 128 891	jonver2@bigpond.com	
Val Brown	Secretary	08 9557 1845	0419 910 724	secretary@warvra.org.au	145/38 Norwood Avenue, Baldivis 6171
Bob Hamilton	Treasurer	08 9535 2240	0427 199 711	treasurer@warvra.org.au	53/22 Carnegie Place, Greenfields 6210
(Des Cousins	Resigned)	-	-	-	
Julia Lynch	Publicity	08 9557 5139	0401 284 555	publicity@warvra.org.au	
Ian Nordeck	Membership & Education(C)	08 9534 7650	-	membership@warvra.org.au	
Arthur Mccarthy	Legislation/Advocacy	08 9447 4077	-	(tba)	

Regional Committees' Directory

NAME	POSITION	PHONE	MOBILE	EMAIL	REGION
Monika Cull	Convenor	08 9843 3786	-	monikacull@gmail.com	GREAT SOUTHERN
Ron Sparks	Co-Convenor	08 9754 2614	0427 002 614	norskrap@bigpond.com	SOUTH WEST
Dianne Wilson	Co-Convenor	08 9724 4889	-	didiroy@hotmail.com	SOUTH WEST
Ian Nordeck	Convenor	08 9534 7650		membership@warvra.org.au	PEEL
Patricia Nelson	Convenor	-	0417 948 092	patnels2@gmail.com	MID WEST

WARVRA President's Report

Review of Committee activities during 2016:

Our year started with a somewhat depleted Committee of eight instead of constitutional recommended 10 (plus an optional additional two)

At that time I wondered how the anticipated workload for 2016 could be handled.

However, all the available members (and remember all are volunteers) have done a magnificent job in their nominated portfolios. In addition we have been fortunate in having an additional three external volunteers picking up our newsletter production, legal advice and additional legislation expertise.

The team at WARVRA have done a remarkable job given the membership growth leading to Advocacy demand particularly in their understanding of the new Bill 1 revisions of the Retirement Villages Code and Regulations and their applications in day to day activities and issues within their villages.

Ironically, in my dealings of advocacy of this nature, I've been approached by a number of village managers for such advice!

Finance and Data Base upgrades:

Again, our growth has influenced the need to address finance and membership recording issues. Our Secretary, Treasurer and membership convenor have put many hours of extra work in collaboration with our external IT consultant to upgrade our data base.

Presentations & Property Council Industry Meetings:

In addition to our membership Convenor's extensive membership training programs, we have delivered a number of non-member information packages to:

- Property Council Annual conference of approx 170 participants; "what do residents expect from their owners and managers?";
- Two independent Village Organisations of approx 35 Village managers;
- National Property Council Managers training certificate, 14 trainees;
- SENIORS Living Expo, Claremont – approx 60-80 public participants:
Subject – "What to look for in a Retirement Village"

Industry related Meetings

WA Property Council – Des, Verelle, Val and I have all participated in meetings both of general nature to promote both mutual communications (perhaps decisions) and their platform of State Election priorities.

National Bodies activities:

In general, most State bodies are like us in some form or level of review/implementation of their state Retirement Village Legislation over and above their normal activities.

It is however noticeable that apparent shortcomings in relevant State Government Departments to adequately respond to and enforce compliance to their Legislation by some errant village owners is jeopardising confidence by both existing but also potential residents and public in general.

In particular, I understand that Victoria currently has a Parliamentary Enquiry under way. Calls for existing residents to comment has brought a flood of complaints, some of which may influence a review of that State's Government support for and statutory requirements of owner standards and a body to administer such a response. Certainly, we would pursue such a system here.

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Publicity

Our five information booths held in 2016 were successful in varying degrees. Our most successful being the weekend Colin, Val, Gordon and I spent at the Claremont Showgrounds in October at the "Over Fifties Expo". On both days Colin and I gave a talk in one of the lecture rooms using a Power Point presentation which worked very well. Feedback to us personally at the end of each lecture was very encouraging. Further feedback provided by the Property Council, who ran the Expo, was also encouraging with attendees rating us highly. It is hoped we can repeat this activity again in 2017.

We are seeking to hold more information booths in 2017 with a view to further publicising WARVRA and our role in representing village residents. To date WARVRA is on the register of Rockingham and Mandurah councils who will inform us when opportunities arise to set up a booth at senior expos. Once the new Committee has been elected and positions filled, further approaches to other councils will likely be undertaken. **I am asking members who may have information about seniors' events being run by their local council to let me know via our email please.** We really need to know a.s.a.p. when councils advertise these events as there is always a cut-off date. We missed out on two opportunities in 2016 as we were too late to apply and all sites had been taken.

The Committee is currently working on the development of a new pamphlet which is required, as the current one contains out of date information. It is hoped we can finalise this task by the end of March, and have the new version available for the May meeting.

Julia Lynch, Publicity and Promotions

Presidents Report

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Finally,

I would like to thank the 2016 Committee for their support over the last year. There have been some minor difficulties but they have all been surmounted with dedication and energy.

I must advise that regrettably I will not be nominating for the Committee at our AGM in February.

The almost inevitable problems of health issues comes up as we get older and in my case it feels like a bucketful has significantly reduced my ability to continue the way it is needed with our ongoing growth and responsibility. I will however try to stay involved, perhaps with some phone advocacy at least until the new Committee is well and truly in place.

*Thank you everybody,
Colin Edwards, President*

WARVRA Newsletter

FIRST ISSUE FOR 2017

Next Issue 28 APRIL 2017

*All contributions should be received by
FRIDAY 21ST APRIL 2017*

*Contact Secretary Val Brown for more information
(See Directory at top of page two)*

Membership Matters

Following my final presentation last year the opportunity has been provided to report to you on the significant outcomes achieved.

When I was asked over two years ago to accept the task of increasing membership, our membership numbers stood at 73 villages and 7,000 members. A number of the villages were non-financial and that has been rectified, and our total numbers now stand at 103 financial villages and over 14,300 members. We can all be very proud of this achievement, but it is most important all Regional Convenors understand the significant role they played in this achievement. The regional development has been most significant due in the main to their efforts, for which I thank them most sincerely

This year will bring a new set of challenges and we need to think about these and prepare for them.

Newsletter: I have written about developments in this area, which are most exciting and will enable much more effective communication with our members. But this depends on our success in encouraging our members' enrolment to gain the real improvements in communication. This is a challenge that faces all of us but particularly you folks that are the face of WARVRA in your respective regions.

Regional Visits: I confirm that the Committee has supported the change to regional visits and that two meetings will be held in each region, one in spring and the other during autumn. That does not preclude the Regional Convenors from arranging other functions in their regions. In this regard we also need to give more consideration to using guest speakers in the regions, if possible.

New Volunteers: As you are aware, a training program has been conducted to encourage more members to become involved in the development of WARVRA and its services, while at the same time developing a succession plan comprising competent administrators for the future. Two groups have been formed: one for Legislation and Advocacy, and the other for Membership. We are pleased to report that as of next year, the following people will be active within the regions and assisting with the development of membership:

Mid West and Northern suburbs:

Laurie Varendorff, Marion Millin and Michael Harvey

Southern suburbs (down to Peel Region)

Ron Chamberlain and Susan Burns

Peel Region and the South West

Gordon Brown and Ian Nordeck

Whilst these people have undergone considerable training, they will not be thrown in at the deep end but will be accompanied by me on their visits until we are all comfortable with their competency and they are happy to go it alone. I know you will welcome these people to your regions and will provide the same support and encouragement as you have to me.

All told, it is going to be a challenging and exciting year.

Ian Nordeck, Membership Convenor

Legislation and Advocacy Report for 2016

Unfortunately we had to say goodbye to Legislation Convenor Des Cousins. Due to health and other private factors Des retired from the Role of Convenor of WARVRA's Legislation Team at our last General Meeting.

This has been a huge loss not only to us as WARVRA members but also to the industry as a whole. He is now enjoying a well earned extended holiday.

Whilst he does intend to maintain a low key interest in this subject area (particularly because, lets recognise it, he – and others re-created our current legislation and made a huge improvement for all our rights within the Industry) his wish is to reduce the pressure on himself as both Legislation Convenor and dealing with some major Advocacy issues on behalf of members.

Currently Legislative review activity for Bill 2 (the remaining part of the overall review of the current Act) is in limbo and has been for a number of months on the part of Dept of Commerce. It is expected the Government via the Department of Commerce is unlikely to activate the Bill 2 review process (which it is their role to do) in the near future particularly with the pending State Election.

Notwithstanding this, our current team has already started to develop a platform of legislative reforms that we would all collectively support with a new team to continue to work during this year. In other words, history probably will repeat itself in how long the whole process will take. (at least 5yrs+)

As Ian and Des have previously mentioned, due to identified number of resignations, retirements at the AGM they have been working on the development of a new Legislation team to commence in 2017. Results are looking very positive and we wish them well in their task.

Talking legislation however, can I please remind members of a few relevant points relative to contracts, Consumer Affairs and the State Administrative Tribunal (SAT).

When we all entered into contracts, particularly those with a lease, we all actually signed away certain rights we enjoyed during actual home ownership. This despite having received various disclosure information packs at the time of purchase. Generally we all grasped the meaning of it all initially and there were few if any problems,

The expression "our home is our castle" no longer applies as we no longer own the "castle" particularly the right to do what we like with it; subject only to accountability to Local Council provisions.

The contracts we have signed have a litany of rules that were difficult to understand and come to terms with, particularly with things like additions, alterations, renting out, no house sitters, pets, gardens etc, etc

Occasionally, disputes arise, often due to miscommunication, delays or even ignorance on either side that can cause considerable grief mostly to the leaseholder.

WARVRA as advocates will try to assist if required particularly, if a problem of Legislation interpretation is involved, which is often the case.

Maybe, if no resolution can be found by talking to the Village Manager or via an internal Village dispute resolution process you may then wish to refer it to Department of Consumer Affairs.

It is important to recognise that this Government Department will only consider helping, if there is clear and evidenced non-compliance by either party (owner/resident) with their contract and or the Retirement Village Code/Regulations. In addition be

warned, it can be a long and difficult process.

Consumer Affairs has little power to enforce a decision and will often suggest you take Legal Advice (we are currently aware of and in some cases participating in some 10-15 such cases).

Beyond this is the State Administrative Tribunal (SAT), an independent body with the power to enforce decisions. Again, this step would be a long process often requiring Legal support with costs and quite a very stressful experience.

It is my opinion that these situations are not in the least bit satisfactory for this industry particularly with the thousands of very elderly participants that can be involved and totally unable to defend themselves and cope with this type of stress and pressure possibly created by an unscrupulous Village Owner/ Manager.

Yes, there are a few!

Fortunately given there are well over 250 Retirement Villages in WA, the vast majority are responsible in their administration and are well versed and responsible respecting our rights and village life expectations.

If you agree with this sentiment, may we suggest that individual members or your Village Resident Committees may consider expressing this and any other Industry concern you may have with all your local State political party candidates whatever their politics.

Remember, they will all want your vote shortly!

Colin Edwards, President

Strata Titled Retirement Villages

LEGISLATION AND DOCUMENTATION

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Administrative Tribunal. If you have a problem always go to the documentation first, and then the Acts to see if there is an answer in there. However, generally legislation cannot be over-ridden by documentation.

It must be appreciated that some villages have been going for a long time and since their establishment there have been changes in both the Strata Titles industry and the Retirement Villages industry, and as a consequence all titles are not the same, nor are all Retirement Village agreements the same, which can lead to some complexities, and difficult to come to a common understanding of how they operate. For this reason alone, it is essential that prior to buying and even while living in and departing from the village assistance be sought as to your rights. Recent amendments to the Retirement Villages Act and Regulations have been aimed at sorting out problems.

Availability of legislation

Proprietors/residents are encouraged to read the legislation. Copies of the relevant legislation can be viewed, printed off or hard copies ordered by going to the State Law Publisher at www.slp.gov.au When searching you look for: - Strata Titles Act, Strata Titles General Regulations, Retirement Villages Act, Retirement Villages Regulations and Fair Trading (Retirement Villages Code) Regulations. If you go into the Word document format, you can print out selected portions.

Peter Thobaven