



Western Australian Retirement Villages Residents Association Inc

Minutes of the General Meeting

Friday 11th May 2018 10.00am

Dept of Mines, Industry Regulation and Safety Exhibition Hall

1. PRELIMINARIES

1.1 Welcome

President Ian Nordeck welcomed all in attendance.

1.2 Attendance: 61 as per Register

Apologies: 18 as per Register

2. MINUTES OF GENERAL MEETING 11th August 2017

Resolved: That the Minutes of the Meeting be adopted.

Moved: Lexie Beardmore

Seconded: Gus Augustus

Carried

2.1 Business Arising from Minutes Nil

3. CORRESPONDENCE Nil

4. REPORTS

4.1 President

(See attachment)

The President highlighted his PowerPoint Report, encouraged members to provide email addresses for communication, and to write to WARVRA for assistance and advice.

4.2 Treasurer

(See attachments)

With a PowerPoint presentation, Treasurer Rae Nordeck presented the January – March 2018 Quarterly Statement, summarised as

Opening Balance	\$ 5,786.52
Income	13,597.35
Expenses	1,998.95
Closing Balance	17,384.92

and the 1st – 30th April Statement summarised as

Opening Balance	\$ 17,384.92
Income	2,878.00
Expenses	218.29
Closing Balance	20,144.63

In response to a question from Des Cousins, the Treasurer reported that Term Deposits total \$38,000.00 plus interest.

4.3 Legislation and Advocacy

(See attachment)

Eugene Browne spoke to the Report presented on PowerPoint.



Western Australian Retirement Villages Residents Association Inc

Gus Augustus commented that the WARVRA annual membership fee of \$2.00 is considerably inadequate should legal advice be required and asked whether the Committee could raise the membership fee.

Ned Stokes questioned whether a proposal could be placed before this meeting to increase the annual membership fee.

The President stated that the Committee is currently seeking the services of a legal representative and will place a proposition to fund the position before the Association membership.

Local Government Rates – Keith Edwards reported that Charitable and Private Retirement Villages are exempt from paying Council rates. Arcadia Waters has applied for an exemption which the owner of the Village is required to complete. A response is awaited.

5. PRESENTATIONS

5.1 “Let’s Talk About Complaints”

This was the title chosen for the PowerPoint presentation of Phil Payne, Director of the Property Industries Directorate, Consumer Protection. Phil spoke to the PowerPoint presentation and answered questions. The ‘Complaint Handling Procedures’ is attached.

5.2 Village Budgets

Des Cousins spoke of the requirements of the Fair Trading (Retirement Villages Code) relating to Village Budgets, provided a template for a Budget, and answered questions.

6. FINALITIES

6.1 Vote of Thanks

The President especially thanked Phil Payne and Des Cousins for their presentations, the Committee and all who attended this Meeting; the work of Fiona in arranging every requirement for meeting in the Exhibition Hall was acknowledged with thanks.

6.2 Close

The meeting concluded at 12.20pm

Minutes adopted: / /

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Chairperson



WARVRA

Western Australian Retirement Villages Residents Association Inc

PRESIDENT'S REPORT

The first period of each year is always busy, as a result of new committees following annual elections and with the impact of membership renewals. In addition, we take the opportunity to promote to all villages the value of membership and the benefits of our member education programmes.

In the period February – April, I have attended five regional meetings between Geraldton and Albany, conducted 13 individual meetings, 11 committee meetings and visited 9 villages to make presentations to residents.

In the most recent Newsletter, comment was made on the number of villages with outstanding renewals. Many of these villages have now renewed, which is good news, but we may well lose some villages due to the average age of the residents meaning they no longer have a Residents or Social Committee.

WARVRA Associates:

This concept has now been formed with the support of the WARVRA Committee. Enrolment forms have been placed on your seats today, and we encourage family involvement. Exiting Your Villa is the most contentious issue in village life and we hope WARVRA Associates will create a better understanding of the processes for your Executor and Beneficiaries.

Liquor Control Act:

We have prepared a submission to Minister Paul Papalia, and are awaiting a confirmed appointment to meet with him.

Complaint Procedure:

After much discussion on this matter, the Department has agreed and supported us and today Phil Payne will unveil the new procedure.

Village Budgets:

These are often a contentious issue and Des Cousins will today introduce a new Power-Point programme prepared for the benefit of all villages. What Des will show you today is how the system should work, and if it is not happening in your village, we need to know.

Provide us with written details and we shall raise your concerns with the Commissioner.

Relationship with Commissioner:

Our newly developed relationship, supported by quarterly meetings, is working very well in that we have an open and frank relationship during which we are provided with the opportunity to raise and discuss matters of concern that are occurring within villages.

As in all negotiations, you win some and lose some, but the opportunity of open discussion is a significant improvement on the past.

Overall, WARVRA is functioning very well and we are very fortunate to have Committee members who make significant, personal contributions.

Ian Nordeck President and Membership Convenor

11th May 2018



WARVRA

Western Australian Retirement Villages Residents Association Inc

TREASURERS QUARTERLY REPORT - MARCH 2018

Year to date \$

Opening Balance 1 Jan 2018 5,786.52

Receipts

Village Membership	12,490.00
Individual Memberships	1,012.00
Bank Interest	1.07
Donations	10.00
O/S Cheque	84.28
Total	19,383.87

Expenditure

Membership & Education	
Legislation & Advocacy	
Expenses, President	710.33
Committee	252.10
Telstra	443.37
Annual Honorarium	550.00
Cash Float, Secretary	43.15
	-
Total	1,998.95

Cash Book Balance at 31/3/2018 **17,384.92**

Bank Reconciliation at 31/3/2018

Closing Balance	17,474.86
Unpresented Cheques	89.94
Outstanding Deposits	
Total Funds	17,384.92



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Western Australian Retirement Villages Residents Association Inc

TREASURER'S REPORT April 2018

Cash Book Opening Balance \$ 17,384.92

Income

Village Memberships	2,858.00	
Individual Memberships	120.00	
Interest		
Donation		
O/S Cheque		
IBD Maturity		
Total	<u>2,978.00</u>	2,978.00

Expenses

Legislation & Advocacy		
Membership & Education		
Committee -		
Telstra		
Expenses - President	218.29	
Publicity		
	<u> </u>	218.29

Cashbook Closing Balance 20,144.63

Bank Reconciliation at 30th April 2018

Closing balance as per bank 20,144.63

Unpresented cheques: -

Outstanding deposits

Bank Reconciliation Balance \$ 20,144.63



Western Australian Retirement Villages Residents Association Inc

Legislation and Advocacy Sub Committee Report

A Members of the Sub Committee

Eugene Browne (Acting Convener), Ian Nordeck, Lexie Beardmore, Des Cousins, David Street Peter Thobaven and John Hudson – leave of absence – Health
Lyneve Amooore and Robert May have resigned due to family and personal health issues.
So our Committee of 9 is now 5 active members.

B Legislation

The Code: The Retirement Villages Code 2015 expired on 31 March 2018 and the Retirement Villages Interim Code 2018 has been gazetted to take effect from 1 April 2018 to 30 September 2018. There are no changes in the operative part of the Code (Schedule 1). It is not clear why the Code has been enacted for such a short time: the changes proposed to put some of it into the Regulations will probably require legislative authority and cannot reasonably be expected to happen before September 2018. The Consumer Protection Director acknowledged our suggested reforms to the Code and assures us they will be considered in the re-drafting of the Code provisions.

Act Amendment Bill #2: We are still awaiting a "Stage 2 Reform Interim Discussion Paper" which is currently being drafted by CP. This will include the our considerations regarding the Code as above and some of the 100 recommendations from the 2010 Statutory Review of Retirement Villages Legislation that have not been addressed yet, and other issues raised more recently. WARVRA has a high profile in the consultation process as acknowledged in all the reviews.

Liquor Control Regulations 1989: As per our recent newsletter (page 4) we have prepared a proposal to the Racing and Gaming Minister Paul Papalia to exempt Retirement Villages from the provisions of this Act as has been done for nursing homes and residential aged facilities.

Local Government Act Review: The Sub Committee is working on a submission for this review regarding council rate reductions for Retirement Villages based on reduced services.

Residential Tenancies Act: The Sub Committee is considering application of some of the principles from this Act for possible inclusion within the Retirement Villages Act.

C Advocacy

Backed up by the resources on our website, WARVRA through the Sub Committee continues to provide routine information and advice to satisfy enquiries from members, on a regular basis. I commend to you the valuable resources on the website which will satisfy many routine enquiries. The L and A Sub Committee discuss the more complex questions at their monthly meetings and determine an appropriate response, sometimes with the assistance of the Commissioner. You will hear more recent developments here from Consumer Protection today.

As per our Newsletter (page 5) we are seeking assistance to be able in some cases to provide legal advice.

The Committee is concerned about some of the complex issues that arise in Strata Villages.

D Government Contacts

Our meetings with the Commissioner and his staff on a quarterly basis have been very fruitful resulting in changes like those highlighted today. The next meeting with the Commissioner is Tuesday 15th May 2018.

Following this meeting I will this afternoon attend as a WARVRA invitee at a Property Council – Retirement Living Council Seminar where most attendees are village owners and managers sharing ideas and developments.

E Other Business

The Sub Committee has recommended to the main Committee a proposal to bring the WARVRA Constitution into line with the Western Australian Associations Incorporation Act 2015.

Eugene Browne Acting Convener

11th May 2018



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Western Australian Retirement Villages Residents Association Inc

Complaint handling procedures

Consumer Protection Property Industries Directorate and Western Australian Retirement Villages Residents Association

Regulation of retirement villages

Applicable legislation (as amended from time to time)

- *Retirement Villages Act 1992; Retirement Villages Regulations 1992*
- *Fair Trading (Retirement Villages Interim Code) Regulations 2018*

The Department

- Consumer Protection is a division of the Department of Mines Industry Regulation and Safety (DMIRS).

Functions of the Commissioner

The Commissioner for Consumer Protection is designated certain functions under the *Retirement Villages Act 1992* (the Act), the *Retirement Villages Regulations 1992* (the Regulations) and the *Retirement Villages Code* (the Code).

The Commissioner, or the Commissioner's delegate, has a responsibility to provide advice to consumers on the provisions of the Act, the Regulations and the Code.

In relation to complaints by residents of a retirement village, the Commissioner has the power to investigate and attempt to resolve complaints made by residents and/or administering bodies of retirement villages by negotiation in accordance with the Act or by mediation in accordance with the Code. Where it is alleged an offence has been committed, the Commissioner may investigate and seek a range of outcomes ranging from dispute resolution through to court or tribunal actions.

The Commissioner can choose to refuse a matter submitted for mediation under clause 31 of the Code where the village dispute resolution process outlined in clause 30 of the Code has not been followed.

Dispute resolution

Clause 30 of the Code outlines the process to be followed when there is a dispute between residents of a retirement village, or between a resident and the administering body of a retirement village.

The Commissioner and the Property Industries Directorate of DMIRS, as delegate for the Commissioner, recognise that WARVRA may be able to assist residents involved in a dispute by:

- providing support to residents in registering complaints with a village residents' committee;
- providing guidance to residents about how to establish a residents' committee;
- providing a forum for member residents to discuss issues arising in villages and share information and strategies for dealing with these issues;
- providing advice to the Commissioner on emerging issues and input to legislative reviews and policy; and
- facilitating effective consultation between residents, residents' committees and the administering body of a village by way of the stated purposes of WARVRA as an incorporated association.



Western Australian Retirement Villages Residents Association Inc

The Commissioner recognises the support that WARVRA provides to retirement village residents in relation to matters of dispute and acknowledges the link between the purposes of WARVRA and the Commissioner's role in relation to investigation and negotiation of disputes in accordance with the Act, the Regulations and the Code.

The Property Industries Directorate acknowledges that, in assessing complaints related to the Act, the Regulations or the Code, it may be appropriate to advise a complainant about WARVRA and the services it provides to members. This is particularly relevant where a complaint received by the Department has not been previously managed via the village dispute resolution process.

WARVRA may be able to assist a resident or a group of residents by providing information about establishing a residents' committee, and how a residents' committee may be helpful in negotiating with the village administering body.

