

WARVRA Newsletter

President's Report

A very busy time of the year with Regional Meetings in all areas and the Training Seminar being conducted over 3 half-days.

Meetings – Visits

September - All meetings detailed in my last report were attended.

- The Peel Regional Meeting had 60+ attendees and welcomed Andrew Hastie, the Federal Member for Canning, as a guest speaker. Andrew was very well received, made an excellent presentation, and spent a considerable amount of time answering questions from the floor.

- The Legislative & Advocacy Executive met with Greens MLC, Alison Xamon, and had a very detailed discussion on the problems being experienced by WARVRA and the residents of retirement villages.

As a result of this meeting, Alison is preparing to move a Motion on the floor of parliament with the intent to reform and strengthen the Retirement Village Act of 1992 as a matter of priority.

October –

- 3rd - RAAFA Bull Creek Presentation “Why Join WARVRA”
- 5th - WARVRA Committee Meeting
- 9/10 - Mid West Regional Meeting, Geraldton – Ian and Rae
- 10th - First Training Meeting being conducted by Ron and Des
- 16th - South West Regional Meeting, Bunbury
- 17th - Second Training Meeting
- 24th - Third Training Meeting
- 25th - Affinity Village – Presentation “Exiting your Villa”

Membership

Esperance Retirement Village has joined our Association with a total of 20 members.

Kingsley Lakeside Village has renewed their membership after a short absence from WARVRA and their return is welcomed.


WARVRA

NOTICE OF GENERAL MEETING

A General Meeting of the Association will be held at
Department of Mines, Industry Regulation and Safety
140 William St, Perth. Second Floor Exhibition Hall.

FRIDAY 9th November 2018 10:00am - 12:30pm

REPORTS

President - Ian Nordeck

L&A Committee - Ron Chamberlain (Vice President)

Treasurer - Rae Nordeck

GENERAL BUSINESS

PRESENTATION

Presentation by Christopher Baynes

“Satisfaction may be high but there is work to do.

ETHICS, COMPLAINTS AND THE VILLAGE MANAGER”

Chris will analyse the villages.com.au National Resident Survey of 19,400 residents against the backdrop of media criticism, government reviews and stalled village sales, all impacting village residents, plus the role of the village manager.

Alexandra Village and Tapper St Mews have renewed their memberships and as a result of these renewals, our membership numbers continue to grow.

The Weekly Source

Chris Baynes, Editor of The Weekly Source, visited Perth and met with the Commissioner for Consumer Protection. The meeting was productive and provided Chris with the opportunity to discuss Retirement Village Management Training and how important it is to the success of the industry.

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WARVRA Committee Directory

Name	Role(s)	Phone	Mob	Email	Correspondence
Ian Nordeck	President & Membership	08 9534 7650	-----	ianandrael@internode.on.net	57/22 Carnegie Place, Greenfields 6210
Ron Chamberlain	Vice President	08 9456 4598	0447 315 160	ronlyn2@bigpond.com	38/58 Canna Drive, Canning Vale 6155
Maureen Miller	Secretary	-----	0424 208 873	maureenmiller@westnet.com.au	3/155 Gaebler Road, Aubin Grove 6164
Rae Nordeck	Treasurer	08 9534 7650	0412 456 251	ianandrael@internode.on.net	57/22 Carnegie Place, Greenfields 6210
Corry Knappers	Assistant Secretary	08 9550 4964	0488 059 103	corryadri@terancamews.com.au	-----
Brian Woods	Assistant Treasurer	08 9582 8532	0417 948 113	blwoods@live.com.au	-----
Lexie Beardmore	Legislation & Advocacy	08 9311 4319	0406 539 720	krakowsky1949@gmail.com	-----
Des Cousins	Legislation & Advocacy	-----	0417 314 735	dcousins2402@gmail.com	-----
David Street	Legislation & Advocacy	9582 7363	0427 303 842	pericles38@westnet.com.au	-----

Regional Committees' Directory

NAME	POSITION	PHONE	MOBILE	EMAIL	REGION
Monika Cull	Convenor	08 9843 3786	0407 691 975	monikacull@gmail.com	GREAT SOUTHERN
Ron Sparks	Co-Convenor	08 9754 2614	0427 002 614	norskrap@bigpond.com	SOUTH WEST Busselton
Dianne Wilson	Co-Convenor	08 9724 4889	-----	didiroy@hotmail.com	SOUTH WEST Bunbury
Ian Nordeck	Convenor	08 9534 7650	-----	membership@warvra.org.au	PEEL
John Lewis	Convenor	-----	0408 939 615	johnhenry@westnet.com.au	MID WEST

WARVRA TREASURER'S REPORT

END OF THIRD QUARTER – 30TH SEPTEMBER, 2018

	Year to date \$
Opening Balance 1 January 2018	5,786.52
Receipts	
Village Memberships	17,225.50
Individual Memberships	1,332.00
Associate Memberships	290.00
Bank Interest	7.88
Donations	75.00
O/S Cheque	84.28
Total	<u>\$24,801.18</u>
Expenditure	
General	6,497.21
Total	<u>\$6,497.21</u>
Cash Book Balance at 30/9/2018	<u>\$18,303.97</u>
Bank Reconciliation at 30/9/2018	
Closing Balance	18,303.97
Unpresented Cheques	0.00
Outstanding Deposits	0.00
Total Funds	<u>\$18,303.97</u>
Plus Term Deposit Investments	<u>\$37,287.50</u>
Total Funds	<u>\$55,591.47</u>

LEGAL ADVICE

For some months we have been working towards increasing the resources available to WARVRA for legal advice. We have now established working relationships with three legal practices that can assist us in the more technical aspects of retirement village law and general civil law when we need help.

Members in the past have benefitted from the assistance Shelley Whitaker of Seniors Legal and, through the assistance of the State Administrative Tribunal, we have been supported by Lavan Legal in an application before the Tribunal. Lavan Legal remain available to assist us (and you) in litigation.

Our newest legal advisers are Birman and Ride, a somewhat distinctive legal practice whose service models and areas of practice may be of particular interest to members.

Birman & Ride is a modern Australian law firm built on New Law ideals. Their practice areas offer practical, customer-focussed solutions for everyday needs and problems faced by people and businesses. RV residents may be interested in their services for wills and estate planning, powers of attorney and guardianship, debt collection, probate and will administration, flat rate property settlements and retirement village contract reviews.

B & R aim to price their services fairly and transparently. They advertise fixed prices for some standard services. Otherwise, they will analyse your requirements before issuing a written quote. They prefer to quote specific amounts for a defined service rather than open-ended hourly rates where possible. B & R is located on the corner of Irwin and Hay Streets, Perth. Contacts are Michael Hodgkins (partner) phone 9220 4455 and Lucy Dickens (senior associate) phone 9220 4401.

Des Cousins

President's Report

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The next day, Chris met with the WARVRA Committee and had a very similar discussion, highlighting the need for a properly constructed Training Programme.

Chris will be attending our General Meeting on November 9th as Guest Speaker, and further details of his visit are detailed in this Newsletter.

Legal Adviser

WARVRA has formalised an agreement with Birman & Ride to work together on legal matters as required and to promote their professional services to our membership. It is pleasing that members of our association have begun to utilise their services after it has been explained to members of villages I have recently visited.

WARVRA Training Seminar

In recognition of Des' brilliant letter to our members, we have received applications from over 40 people to attend our Training Seminar. As the Training Room only holds 20 people, we have had to arrange two seminars as follows:

October 2018 - 10, 17, 24

January 2019 - 16, 23, 30

It is extremely encouraging that so many members wish to be involved with committee work within WARVRA, and I am confident those attending will find the seminar most beneficial both within their villages and WARVRA

Legislative Review

Following discussions with the Commissioner, we are hopeful that the date for commencement of the review will be announced before the end of this year. We certainly hope so, for it has been a very frustrating saga.

Further, working from the presentation by Penny Lipscombe and Susan O'Brien from the Department of Consumer Protection, we have agreed to meet with representatives of The Property Council to commence discussions on agreed matters. The Property Council is to arrange and advise dates of these meetings.

Code of Conduct

The Code of Conduct proposed by The Property Council of Australia has been rejected by all mainland States and the ACT Residents' Associations. The Property Council is currently promoting their cause directly to retirement villages and as some villages have supported the Code, the Property Council may be feeling more positive about the outcome.

WARVRA supports the concept of a Code of Conduct and ARVRA is trying to arrange a meeting with the Property Council to discuss the matter further and we have recommended that Des be one of the ARVRA representatives. ARVRA has accepted our recommendation.

Not to labour the point, if the Code does not include 'mandatory membership', sanctions and an ombudsman, it will not receive the support of WARVRA.

General Meeting – November

Our next General Meeting is to be held on Friday, November 9th, and the Agenda follows:

10.00am	Meeting opens – General Reports
11.00am	Morning Tea
11.30am	Guest Speaker – Chris Baynes
12.30pm	Close

Chris' address is titled "Satisfaction may be High, but there is Work to Do. Ethics, Complaints and the Village Manager"

Chris will analyse the villages.com.au National Resident Survey of 19,400 village residents against the backdrop of media criticism, Government reviews and stalled village sales, all impacting on village residents. Plus the role of the Village Manager will be reviewed.

WARVRA has invited politicians and media representatives to attend, and whilst there is seating for 120 people, if required, there is plenty of standing room available within the auditorium.

All attendees will find Chris' address interesting and informative and it is an opportunity not to be missed.

*Ian Nordeck
President*



WARVRA Newsletter

Next Issue 18 January 2019

(First issue for 2019)

All contributions should be received by

11 January 2019

Contact Secretary for more information

(See Directory at top of page 2 of this issue.)

PREPARING FOR THE NEXT LEGISLATION CHANGES

Introduction

While waiting for the Government's discussion paper, the WARVRA committee has prepared its list of issues we want in the next round of legislation changes.

Definitions

- Who is a resident, what makes a series of residential units a "retirement village"?
- What is a Retirement Village Scheme?

An enforceable Code of Conduct

- Move the Code to the *Retirement Villages Regulations*, provide sanctions and penalties for non-compliance
- Ombudsman to hear and resolve residents' complaints

Timely Action by the Commissioner for Consumer Protection

- Excessive delays and lack of communication in dealing with complaints and other issues referred to the Commissioner
- Inexperienced staff do not understand how a retirement village operates

Duty of Care

- Full disclosure to potential residents
- Maintenance of residential units and other facilities so that they remain fit for purpose

Training of Managers

- All on-site village managers must have undergone aptitude testing and training before taking up the role of a "village manager".

Contracts

- Simpler and in plain English
- Separate documents for the financial agreement between the Operator and the Resident and for the general rules applying to all residents in the Village

Clarify Responsibility for Capital

Maintenance and Upgrade/Replacement

- Clarity required between operating costs and capital costs
- Operators must be responsible for construction faults
- All Villages should have a Sinking/Reserve Fund for major capital expenditures

Refurbishment of Residential Units on Departure from Village

- Clear limits as to resident responsibility

CODE OF CONDUCT

Following the bad publicity retirement villages received last year on the ABC and in the Fairfax papers, the Property Council's retirement living section decided to show that the village operators were good and responsible people by developing a "Code of Conduct".

Which they did, on their own! Without consultation!!

And then they asked the various state residents associations (like WARVRA) to endorse their Code.

Every state association, for a variety of reasons, reached the same conclusion: they could not and would not support the draft Code of Conduct.

Why was this so?

The Property Council includes only a small number of retirement village operators (mostly the very large operators).

The Code would not be mandatory – operators could choose whether to be bound by it.

The Code would be overseen by a body dominated by the Property Council, not in any way independent.

There are no meaningful sanctions imposed on anyone who breaches this Code.

It lacks any clear statement of the ethical standards that should apply to operators, it is mostly about contracts, costs, buildings and disputes.

The Property Council was very upset that the resident bodies did not support them. So, some of their members have been approaching residents directly, asking for support for the Code of Conduct.

The WARVRA committees consider that the best prospect for the sort of Code that we are interested in is offered by the NSW Government's intention to implement the Greiner Report recommendation for a government backed and enforced Code of Conduct. The NSW minister proposes to work towards making this a standard that all other states might adopt.

Please be aware that the Property Council Code of Conduct has not been endorsed by any of the state retirement villages residents' associations.

Des Cousins

- Prompt response to complaints (presently requires an application to the SAT)

Exit Fees

- Mandatory cap on exit fees (deferred fees)
- Clear statement at the time of entry of all charges to be levied at time of exit
- Operator to supply full statement of process and charges applying at time of exit to the resident's next of kin or legal personal representative



What is Refurbishing?

Most retirement living leases include a resident responsibility to refurbish their property at the end of their occupancy.

Each contract can be different, so make sure you and your family know the details of your contract.

Be prepared to consider the prevailing market conditions when agreeing to the final scope and standard of the refurbishment so you can get a timely sale and the best price.

The following notes are an edited and generalised version of the advice given by one Village Operator

None of us like to contemplate what happens when our retirement village occupancy comes to an end. Yet we know that the most difficult times in life are best handled when we prepare well.

Vacating and refurbishing a retirement property can be one of the most fraught times for a resident and their family, so we encourage all residents to know your rights and responsibilities and preferences and to discuss these with your family.

Most retirement village contracts include a resident responsibility for refurbishing the property at the end of your time in the village. The refurbishment standard and scope can be different for each village, so it is important that you and your family know the details of your own agreement and your rights and responsibilities under the retirement living legislation. In general:

- A resident must refurbish the property to a “reasonable condition” and pay the costs of the refurbishment
- The village operator will make a recommendation about the scope and standard of the refurbishment based on the lease and market conditions
- The village operator must give the resident

detailed information about the agreed work and the costs before starting the refurbishment

- The resident is entitled to inspect the completed work and receive an itemised account before making payment.

A resident can apply to the State Administrative Tribunal before or after the work if they are not satisfied with the scope, standard, cost, or timing of the refurbishment.

“Reasonable condition” means different things to different people. Some contracts make it easier to set and agree the scope of a refurbishment by listing the works that are required.

Similar to the way you might work with a real estate agent, you might also discuss any other work that is needed to best position the property in the market. Depending on the prevailing market conditions and the length of time since the property was last refurbished, this might include freshening up the rear garden or modernising wet areas. Discuss these options with your Village Manager or sales agent when you are planning your refurbishment, so they can help you get the best price for your property.

Des Cousins