

**Western Australian Retirement Villages Residents Association Inc****Minutes of Annual General Meeting 13th August 2021 10.00am**

held in the Exhibition Hall Department of Mines, Industry Regulation and Safety

1. PRELIMINARIES**1.1 Welcome**

In the absence of, and with an apology from President Ron Chamberlain who was taken ill, Vice President Eugene Browne presided and extended a welcome to all.

1.2 Attendance: 57 members (16 members holding 31 proxy votes) as per register

Apologies: 6 as per register

Visitors: 1

1.3 Appointments: Returning Officer: David Street

Vote Counters: Maureen Farrell, Brian Pearson

Resolved: That the appointments be endorsed.

Moved: Maureen Miller

Seconded: Colin Edwards

Carried

2. MINUTES OF ANNUAL GENERAL MEETING 14th February 2020

2.1 Amendments to Minutes: That reference to the Addendum in the President's Report and the L&A Report be removed.

Moved: Frank Egan

Seconded: Chrissie Jordan

Not Carried

2.2 Approval of Minutes

Resolved: That the Minutes of the Meeting on 14th February 2020 as provided and published on the website be approved.

Moved: David Street

Seconded: Barry Butterworth

Carried

3. CORRESPONDENCE: A letter by email from Frank Egan on 7 different topics was read by the Secretary. With the consent of the meeting, the Vice President provided explanations and limited opportunity for discussion with the following outcomes:

(i) Amendment to the Minutes of 14th February 2020 was not carried.

(ii) Arrangements and notifications re co-option of 2 Council members to the L&A Committee were explained. This will be referred to the new Council.

(iii) Various ways were outlined in which experiences are shared to assist residents. This will be referred to the new Council.

(iv) Zoom meetings and Webinars have been used in the past. A moderate interest was indicated by a show of hands. This will be referred to the new Council.

(v) A membership Report will be provided later in this meeting.

(vi) Consumer Protection advised that deeming of membership does not comply with the 2015 Associations Act. The new application process of residents from WARVRA subscribed villages completing individual application forms has been adopted; reversion to the previous system will not be considered.

- (vii) The Vice President refused to accept the proposed motion that the 6 nominees for Council be elected unopposed on the grounds that it was not constitutional. He explained the formal process of a Special Resolution if a change to the Constitution is required. The new Council has the power to co-opt members to Committees and 3 additional Council members which could include unsuccessful election candidates.

4. REPORTS

4.1 President and Legislation and Advocacy Reports *(See attachments)*

The Vice President read both Reports as provided in the July 2021 Newsletter. He also read, as an Addendum to the Reports, recent news and a general vote of thanks from the President and Vice President. Chrissie Jordan expressed thanks to members of the Legislation and Advocacy Committee.

4.2 Financial

Treasurer Corry Knappers presented a Report as provided and included in the July 2021 Newsletter.

Resolved: That the Treasurer's Report be accepted.

Moved: Corry Knappers Seconded: Colin Edwards Carried

4.3 Auditor *(See attachment)*

The Treasurer presented the Auditor's statement as provided in the July 2021 Newsletter.

4.4 Membership Report

The Secretary reported that to 26th July 2021

Applications for membership processed	2,315 from 50 villages
Individual members	91
Total membership	2,406
Copies of communications are sent to	553 units in 34 Villages

A suggestion was made to try requesting clerical staff support from DMIRS.

5. ELECTIONS

Following ballots for the positions of President, Vice President and Council members during the proceedings, the following candidates were declared elected for a one year term:

President	Ron Chamberlain
Vice President	Eugene Browne
Secretary	Maureen Miller (elected unopposed)
Treasurer	Corry Knappers (elected unopposed)
Council members	Barry Butterworth Lindsay Lane Dr Greg Roos

Resolved: That the voting slips be destroyed.

Moved: David Street Seconded: Barry Butterworth Carried

The Vice President welcomed those elected and thanked those that have served on the Committee for the past 12 months.

6. GENERAL BUSINESS

6.1 Peel Region

Colin Edwards advised that Barry Butterworth has accepted the position of Convenor of the Peel Region.

6.2 Meet the new Commissioner for Consumer Protection

Following morning tea, the Vice President introduced Commissioner Gary Newcombe who shared the following:

- that he has a long history in Consumer Protection and in retirement legislation since 2006;
- Consumer Protection covers the entire WA community – everyone is a consumer. Consumer Protection has around 240 staff in Perth and for him it is important that the application of the Australian Consumer Law is considered in all sectors, including retirement villages;
- the main functions of Consumer Protection is education, conciliation, dispute resolution, prosecution and policy development. Consumer Protection does not have the capacity to impose outcomes and make decisions;
- there are different processes to resolve disputes. Consumer Protection consider what they might do in the earlier stages and don't have legislative authority to make binding decisions on parties;
- the State Administrative Tribunal (SAT) is the formal tribunal, the final decision maker;
- his desire is to work with community organisations in a personal and available way;
- he values the importance of input from Retirement Village residents and Committees and submissions may either be sent to WARVRA or himself;
- he values the engagement with WARVRA and desires this to continue;
- in the current review of Retirement Village Legislation, he commits to reporting to the Minister by the end of the year with the inclusion of the Report from Treasury just received;
- copies of the CRIS documents may still be requested but time to respond is limited.
- in response to a question relating to termination of contract, he stated that there must be natural justice, clear allegation placed before the party with the opportunity to challenge.

8. FINALITIES

8.1 Vote of Thanks

The Vice President expressed the thanks of the meeting to Commissioner Newcombe for his availability to address the meeting and information provided. He also thanked Corry Knappers and Dot Doak, for the provision of morning tea, and DMRIS for use of their facilities.

8.2 Close

The Next Meeting is scheduled for 12th November 2021.
The meeting concluded at 12.35pm

Minutes adopted:

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Chairperson

President's Report: 9 July 2021

The next General Meeting will also be the Annual General Meeting of WARVRA and the journey we have travelled since the February 2020 AGM has been very interesting with significant changes:

- made to the WARVRA Constitution
- planned for the RV legislation
- to the way WARVRA operates in the COVID era, with meetings cancelled, Zoom meetings and venue changes

It has been a very interesting and challenging year and without mentioning names, my thanks to those generous people who have enabled WARVRA to work effectively during difficult times. The uncertainty of the recent COVID restrictions has stopped the Geraldton Regional Meeting from taking place but I am confident that we will reschedule a meeting in August. The Great Southern Regional Meeting in Albany will take place on 13 July, as scheduled.

I have had a steady stream of requests for information and assistance from the "contact" page on the WARVRA web site and I have a few village visits planned. I welcome requests to visit villages either to address residents or to discuss with the residents' committee matter of interest or concern.

Vice President Eugene Browne, Des Cousins, David Street and I met with Minister Sanderson regarding matters which may not have been covered to our satisfaction during the CRIS process. We all recognise that this is the last chance we have for possibly a very long time to correct the imbalance in power between the operator and resident in the current legislation. We received a very good hearing from the Minister.

I also took the opportunity to approach the Minister on the need for WARVRA to employ clerical assistance to support Secretary Maureen with the data entry in relation to the WARVRA membership, which has placed a heavy load on Maureen. Minister Sanderson invited a submission to her requesting assistance of \$25 000 from government, with a similar amount from WARVRA funds. The combined amount of \$50 000 would enable WARVRA to carry out a number of tasks which is currently the work of the Secretary. Data collection is one of the tasks but there are others such as attending meetings to record the minutes of those meetings. The Secretary would still retain the responsibility for the tasks but would have a reduced workload.

The above matters will be raised at the General Meeting on 13 August 2021.

Ron Chamberlain
President

L&A Report

The L & A Committee has been working diligently on the WARVRA response to CRIS 4 and believe that we will have the response to Consumer Protection in early August. Much of CRIS 4 is devoted to the redevelopment of villages, the impact on memorials and the possible impact on residents' rights. It is pleasing to note that additional topics such as dispute resolution, building defects and insurance are available for WARVRA to comment on as part of the CRIS 4 response.

In the next couple of weeks from 12 July we will have some meetings with Consumer Protection to further clarify the WARVRA position on some of the topics in CRIS 1 to 3.

There are a number of topics, raised at the meeting with Minister Sanderson that we believe requires additional consideration. These include the definition of a resident, the deferred management fee, rentals in villages and the training of the village manager which some of the topics WARVRA will bring to the attention of Consumer Protection.

Minister Sanderson made it clear that the Government wants the matters to be included in the legislation to be identified as quickly as possible. WARVRA also obtained the assurance from the Minister that L&A Committee members would have the opportunity to comment on the legislation prior to it being presented to Parliament.

After the Bill becomes law, the details will then appear in the regulations, which will take time to develop, so it is unlikely that the process will be completed any time before mid-2023.

Ron Chamberlain
Convenor L&A Committee

Addendum to President's Report in Newsletter as presented to 2021 AGM

In addition to the written report in the newsletter the following points are made

- At the AGM today we are using some of the changes we made to the Constitution regarding voting arrangements for the Council.
- WARVRA has adapted in response to COVID 19, and to plan for future challenges.
- Thanks go to the people in the L & A Committee, Ron Chamberlain, Eugene Browne, Des Cousins, Lexie Beardmore, David Street and John Vincent, who have almost completed the final paper in CRIS 4 but will also have several meetings to go with Consumer Protection to further clarify the WARVRA position on a number of issues. The last discussion with CP focussed on the suggestion to separate the Residence Contract with what will now be called Community Arrangements and what a list of Community Arrangements may look like. Some 467 pages of CRIS content have been read and WARVRA has responded to all of the questions asked in the papers on behalf of residents. This was a considerable body of work.
- By end of this year we should have a pretty good idea of what will be in place for the legislation in 2022, and we are confident that we will be able to comment on the legislation prior to its introduction to Parliament.
- A special "thank you" to Maureen, WARVRA Secretary, who has done a wonderful job with

the Membership list which started with about 100 individual members and on 26 July stood at 2406. Thanks Maureen a great job well done.

- Thanks also to thank Noelline Edwards for the excellent work she does with the WARVRA Newsletter. This is a job that must follow a very strict timeline in order to comply with the rules of calling meetings and in this case, nominations for Councils. Thank you Noelline!
- Regional meetings at Albany and Geraldton have taken place. Geraldton, yesterday was very well attended with over 40 residents attending. What was pleasing was that in both cases residents from other villages, other than the host village, attended and in some cases discussed common issues after the meeting.
- The meeting with Minister Sanderson was a success and we have written to The Minister seeking a grant of \$25 000 to assist us with membership and other administrative matters.
- Meetings with Consumer Protection staff (monthly) and the Commissioner (quarterly) are now regular and very productive.
- Advocacy is growing as the Website becomes more used by residents to highlight issues and seek solutions.
- Thanks go to DMIRS for the use of facilities for general and committee meetings.
- A big thank you to the Webmaster Dave who has had to do some redesign as the result of the recent membership changes, and who is responsible for the website and for arranging regular communication with members.
- Thanks also to all the Committee for all their hard work and commitment throughout the year. We thank those that will retire following the elections and we welcome those that will join us for yet another productive year.

Ron Chamberlain /Eugene Browne