



WARVRA

Newsletter

Western Australian Retirement Villages Residents Association Inc.

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RETROSPECTIVE RULES

Residents should be aware that certain rules apply to contracts with the operator, even though the rules do not appear in the contract documentation. These can be rules that were made after contracts were signed, and now apply retrospectively to all Retirement Village (RV) contracts whenever executed.

There are several such rules. One which is quite beneficial for residents to be aware of relates to urgent emergency repairs. It is Regulation 7H of the Retirement Villages Regulations 1992 at page 17. Full details can be obtained from the legislation section of the WARVRA website at warvra.org.au. For those averse to interpreting regulations, a generalised plain English description is provided as a guide.

With WARVRA encouragement, this rule was lifted from Residential Tenancies legislation and placed into the Retirement Villages Regulations in 2015, so it should actually be written into all contracts since that time. It ensures that residents of retirement villages have similar rights to those with a normal real estate tenancy agreement when it comes to requiring urgent emergency repairs. The aim is to facilitate emergency repairs in a timely manner so as not to unduly inconvenience residents.

The regulation defines essential services, like power and water, and urgent repairs, like those related to safety and security. It then entitles the resident to arrange urgent repairs where the administrative body has been notified, but has failed to complete the repairs in a timely manner. The resident must still try and arrange the repairs using the operator's advertised procedure and listed repairers, but where that does not exist, any qualified repairer can be used. Where this occurs the operator is responsible for payment of all repairs and reimbursement of any amount the resident has paid for the repairs. The process does not apply to strata titled villages.

Eugene Browne, Vice President

GENERAL MEETING

Friday 12th November 2021 10.00am – 12.30pm

Exhibition Hall Department Mines Industry
Regulation and Safety
140 William St Perth

AGENDA

MINUTES of the General Meeting 28th May 2021
(see the WARVRA website)

REPORTS

President, Legislation and Advocacy,
Treasurer, Membership Officer

SPEAKERS

Members of the L & A Committee sharing
responses to Proposed Legislation

NEXT MEETING

Friday 11th February 2022

PLEASE NOTE:

Register attendance and proxy votes by email, stating the village name, with the Secretary maureenmiller@westnet.com.au by Wednesday 10th November 2021 5.00pm.

Entrance to the Department of Mines Industry Regulation and Safety

Exit the train station onto Murray St.
Turn right and walk around the corner without crossing any streets.
Continue walking towards Northbridge, past a car parking building and then enter the next door on the right.
Enter lift H by proceeding down the only 'lane' on the right and go to the 2nd floor.
Register attendance either manually or with the QR code. The Exhibition Hall is on the right.

ATTENTION Residents Committees

Have you advised WARVRA of your Village Contact details after your Village 2021 AGM? The relevant form can be downloaded from the WARVRA website and forwarded as stated.



Dear Member/Resident

As of February 2021, WARVRA was required to change the way it accepted residents as members of WARVRA.

In the past, residents from subscribed villages were considered to be members. Now, each resident must complete a one-time **Application for Membership Form**. Please note that this registration **does not** need to be repeated annually provided that the annual subscription to WARVRA is paid by the village.

The WARVRA website contains downloadable forms so that residents can register.

There are different forms for alternative situations:

- If the village has paid the annual subscription, or
- If the village has not paid an annual subscription and/or an individual membership is chosen

The response to the new registration procedure has been encouraging. However, for WARVRA to retain its status as the **peak representative body** for retirement village residents, it needs to return our **actual** membership registrations to their former levels.

To facilitate this process, we suggest that each village or group of villages nominate a WARVRA representative. Where this representative currently exists, we already see much higher percentages of registered members.

Thank you in advance for your cooperation.

Dr Greg Roos, WARVRA Membership Officer

PRESIDENT'S REPORT

At the last Council meeting several changes were made to the responsibilities of members. These were:

- Greg Roos will become the WARVRA Membership Officer.
- Eugene Browne will become the Legislation and Advocacy (L & A) Convenor.
- I will continue as a member of L & A.
- Greg Roos will become a member of the L & A Committee.

MEMBERSHIP:

The Council wants to focus on villages which have paid their subscriptions to WARVRA but, as yet, have not submitted any membership forms.

We will be seeking the support of residents from those villages to become a member and encourage others to complete a membership form. Remember that you fill in the form on only one occasion when you become a member.

The next few months are important as the Council will need your support while legislative changes are being considered. WARVRA needs to have a broad base of members across villages. Having a strong membership base in many villages across the state provides us with a solid foundation when we speak as the voice of residents of retirement villages.

We will also be trying to encourage other villages to pay a subscription to enable WARVRA to expand and continue to provide a voice for those who live in retirement villages.

RESIDENTS' COMMITTEES:

The Council wishes to encourage residents to form a residents' committee in their village.

The Residents' Committee is the only way that you can provide the village manager with a view which represents the majority of residents in your village.

Without a Residents' Committee providing that voice, a village manager is largely free to do as the village manager/operator pleases.

Consumer Protection has advised that instead of renewing the Retirement Village (RV) Interim Code every six months, which has been the recent practice, the current interim code will be remade as a new Code under the Fair Trading Act for a period of three years. This means that the current Code will remain until new legislation (Act, Regulations and Code) is in place. The reason is that it is a very expensive process to replace the Code with many on-going costs, such as reprinting the Code, on each occasion.

Ron Chamberlain, President

PROPERTY COUNCIL – MEET THE NEW MINISTER FOR COMMERCE

The residents' committee should be an excellent "sounding board" for the village manager, often assisting them to make better decisions, leading to an enhanced relationship with all residents.

Constitutions do not have to be long and complicated. WARVRA advises that there is no real need for the residents' committee to become an incorporated association as this usually complicates matters. Keep it simple, meet regularly, be transparent and develop a good working relationship with the village manager.

There is a lot of good quality advice on the WARVRA web site and from Consumer Protection. "Guidelines for retirement village residents' committee" on the Consumer Protection website is a very helpful document and well worth reading by those forming a residents' committee. Remember that while the Residents' Committee is not a decision making body in the sense that it cannot make decisions about village operations, it can offer plenty of advice, which is often well received by management.

L & A COMMITTEE REPORT

Most of the consultation about the Consultation Regulatory Impact Statement (CRIS) process has been completed and Consumer Protection is preparing to make recommendations to Government regarding the legislative changes. WARVRA representatives will soon have a briefing from Consumer Protection about WA Treasury Corp. report on the survey conducted on the effects of various timelines on their businesses.

At the **November General Meeting** we will provide a briefing of the CRIS papers and a Question and Answer session which will provide a coverage of the many topics covered in the CRIS papers. We can only provide you with our position on these matters because it will be up to Consumer Protection to write a report to Government and it is for the Government to decide on the course of action it will take. I am confident that there will be many good points to come from the changes to the legislation but the issue of the timeframe for the payment of Exit Entitlements is still unclear.

The Bill, which we anticipate will be introduced early in 2022, will cover the broad issues that will enable regulations, and the fine detail to be put in place.

Ron Chamberlain, President

I attended the last Property Council - Retirement Living Council (RLC) breakfast as a representative of WARVRA. The guest speaker was the Hon. Amber-Jade Sanderson MLA, Minister for Environment, Climate Action; Commerce.

There was also a panel chaired by Ben Myers – RLC Executive Director, and including; Michael Lawson - Managing Director, Northerly Group Australia; Amber Cartwright - Director, Ansell Strategic; and David Mooney - Village Manager, Timberside Villas for Lendlease.

The event was sponsored by Perrott Painting and Jackson McDonald- Lawyers and well attended by 110 representatives from the industry including Liz Behjat, WA State Manager of Leading Age Services Australia (LASA).

Minister Sanderson spoke on aged care and independent living, and emphasised that both had to be affordable, safe and secure. She said that modern regulation is needed, and that she supported the current change and reform agenda in WA because it is in the interests of both consumers and industry. Minister Sanderson said it was important that the right policy is adopted, and that residents are all kept well informed. She highlighted that the Stage 2 reform submissions are designed to assist operators, and give confidence and security to residents, and she encouraged everyone to get involved.

Marie-Louise MacDonald from the RLC acknowledged the wide representation in the room, and made a special mention of WARVRA and LASA and introduced the representatives. She stressed the importance of consultation to avoid any unintended consequences from the legislative reform process. She also introduced 2 representatives from the WA Treasury Corporation (Richard and Marcus) who are assisting in the financial modelling by Consumer Protection associated with the reform process.

Jackson MacDonald provided some retirement living statistics for Australia including;

- The average age of entry into retirement living is now 75 years
- The average stay is between 8 and 9 years
- The average Deferred Management Fund (DMF) is 30% over 6 years
- High rise now exists in 36% of villages

- Retirement living results in improved health for 36% of residents
- Retirement living results in a better financial outcome for 42% of residents

Jackson MacDonald said they are looking forward to the improvements in the new Act.

Michael Lawson was asked about the Northerly Group’s new twin tower village development at Scarborough. Michael said it all began because he wanted something more spectacular and suitable for his parents to move into, and there was nothing like that on the market. They then decided on a Strata development, because using the RV Act/DMF model created too much complex documentation for both the operator and residents to understand. He also found that in this price range, it is much easier to sell the familiar and secure strata title than a right to occupy. The latter with its complex lease contract documentation he said is a “minefield” of potential problems. They negotiated through Development WA the social housing planning concessions and additional high rise by applying an over 55 restriction to the development, and using its uniqueness in the area as justification. He said they are catering for the Hillarys to City Beach market where in 13 suburbs there is a significant number of potential customers in the targeted 60 to 70 year age bracket. They added

12.5% to the usual DMF prices, and units are in the range \$550k to \$2.5m. In question time Michael admitted that being outside the RV Act gave less long term protection to purchasers, and liability for stamp duty. However he believed that avoidance of the ever increasing complexity of RV contracts, adoption of the simplicity and security of Strata title, and the uniqueness of the development, would more than compensate.

David Mooney was acknowledged as the recent winner of **Village Manager of the Year Award** for Australia, and was asked to list what he thought were the top 3 considerations for residents. His response was - happiness, safety, and to be challenged. In response to the latter, in one recent popular initiative, he obtained grants for computer equipment, and set up a training program to increase their IT awareness and get them “on line”. He said that he works on establishing good communication with residents, asking them what they want, what needs to change, and how it should change. He then uses their customer feedback to improve life in the village.

Summary. I enjoyed the event, and found it valuable for WARVRA in raising our profile and expanding our networking, while at the same time providing exposure to the latest trends and practices in the retirement living sector.

Eugene Browne, Vice President

Democracy in Action

The Annual Financial Statement of a village revealed a substantial surplus. Clause 20 of the Retirement Villages Code was referenced with strong indication that the application of the whole or part of the budget surplus could be used for other purposes, generally for the benefit of the residents of the village.

At a meeting attended by 120 residents with 100 proxy votes, a Special Resolution was presented providing a vote on retaining the surplus funds for future operating expenses OR returning funds to the relevant residents.

By just ONE VOTE the decision was made to return the surplus funds to the residents.

Lindsay Lane



Rudolph, don't tell me it's Christmas-time again?!?!

Santa Reindeer Hug - Santa And Rudolph Cartoon @nicepng.com

DISPUTE RESOLUTION

Disputes in retirement villages can be a major distraction to what may be otherwise a happy life and if those disputes remain unresolved, they can affect many residents in a negative way throughout the latter years of their lives.

WARVRA has established a good working relationship with Consumer Protection and members of the Council meet regularly with officers from Consumer Protection.

Both WARVRA and Consumer Protection believe that early intervention to resolve a dispute can assist significantly in solving problems.

When a potential dispute arises Consumer Protection recommends that the matter be raised directly with the other party to seek a resolution. If this does not produce a satisfactory outcome, then the matter should be raised with the Village Residents' Committee or the Village Manager, whichever is appropriate. If the dispute is with the Village Manager or Operator and has not been resolved, then a Notice of Dispute should be sent to the Village Manager stating the nature of the dispute and what would be a reasonable solution to the problem.

A reply within ten working days should be received and, depending on the response, the matter should be dealt through a Dispute Resolution Process, which every village should have in place. If a Dispute Resolution process is not in place and, the resident believes that the matter is warranted, the resident may wish to lodge a formal complaint with Consumer Protection.

If the resident is dealing with a serious matter, which requires urgent attention, the resident may contact WARVRA and seek assistance and advice. The following examples of recent matters, which were brought to the attention of WARVRA, achieved positive outcomes for the residents.

- A village whose operator was unwilling to hold a budget meeting because they said that they had no questions to answer.

It was pointed out to the operator, by Consumer Protection, that there are two meetings each year that must be held. The first is the Budget meeting that must be held no later than one month before the end of the financial year the second is the annual meeting of the residents held within five months after the end of the financial year to

discuss matters relating to the annual financial statements and the auditor's report. Even though no questions were presented to the operator, a meeting was held. The operator immediately arranged the meeting, and responded to the many questions residents had asked.

- In another village a relative was asked to refurbish his deceased mother's unit in order to make it ready for re-sale. In hindsight, he regretted not being more diligent in insisting on the correct paper work and providing approvals for the work to be carried out. After Consumer Protection discussed the matter with the operator a refund of \$3,500 was sent to the relative who was very pleased with the result.
- A resident entered a Lease-for-Life contract for a unit, which included a room that had been created by the previous lessee by covering a patio with a roof and walls. The resident correctly assumed that, as the lease was silent on any exceptions to the usual arrangements, the operator was responsible for maintaining the unit including the room that had been added. After repairing the additional room several times over a number of years, the operator recently refused to fix any more problems. Through a combination of WARVRA and Consumer Protection Involvement, the issue has now been resolved, and the operator has assumed responsibility for the repairs.

When WARVRA takes these matters forward, Consumer Protection always wants to know that the correct process has been followed and that the matter has appropriately engaged the Dispute Resolution Process in the village. If the Dispute Resolution is not in place in the village, then Consumer Protection wants to know why!

Ron Chamberlain, President

WARVRA VILLAGE REPS AND SECRETARIES

*You're the best !!!
Thank you
for your willing support and
assistance in arranging the
printing and distribution of
Newsletters in your Village*

When a member leaves your village, please advise the WARVRA Secretary of the name, address, date and reason for leaving.

WARVRA TREASURER'S REPORT – July to September 2021

Corry Knappers, Treasurer

	\$
Opening Balance 1 July 2021	45,861.69
<u>Receipts</u>	
Village Contributions	406.00
Bank Interest	10.04
Individual Membership	40.00
<u>Total receipts</u>	<u>456.04</u>
<u>Expenditure</u>	
IT Services / Webmaster Support	957.00
Stationery & ink	314.44
Postage	220.00
Travel expenses re. regional meetings Albany & Geraldton	1,143.68
Morning tea supplies AGM	38.25
Zoom annual fees	230.89
Auditor	50.00
Uniting Church Hall & Boardroom cleaning	60.00
<u>Total expenses</u>	<u>3,014.26</u>
Cash Book Balance as at 30/09/2021	43,303.47
Bank Reconciliation / Total Funds ANZ Bank Account	43,303.47
plus Westpac account 363	3,460.77
plus Term Deposit Investments	48,118.17
<u>Total Funds as at 30/09/2021</u>	<u>94,882.41</u>

WARVRA Council Directory 2021-22

<u>Council</u>		*Legislation and Advocacy Sub-Committee		
Name	Role(s)	Phone	Mobile	Email
Ron Chamberlain	President	9456 4598	0447 315 160	ronlyn_2@bigpond.com
Eugene Browne	Vice President, L&A*	6363 6477	0424 818 840	eugeneb@iinet.net.au
Maureen Miller	Secretary		0424 208 873	maureenmiller@westnet.com.au
Corry Knappers	Treasurer	9550 4964	0488 059 103	corryadri@terancamews.com.au
Greg Roos	Membership Officer, L&A*		0415 983 020	sats.roos@gmail.com
Barry Butterworth		9537 6937	0499 187 128	
Lindsay Lane		9304 5183	0421 989 625	
Regional Conveners				
Region	Position	Name	Phone	Mobile
GREAT SOUTHERN	Convener	Monika Cull	9842 3786	0407 691 975
SOUTH WEST	Co-Convener	Lorraine Watts	9754 2346	0408127 674
SOUTH WEST	Co-Convener	Dianne Wilson		0435 466 135
PEEL	Convener	Barry Butterworth	9537 6937	0499 187 128
MIDWEST	Convener	John Lewis		0437 780 798