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## GENERAL MEETING

**Friday 10th February 2023**

10.00am - 12.30pm

**Exhibition Hall:** Department Mines,  
Industry Regulation and Safety.  
140 William Street Perth

## AGENDA

### Reports:

President, Legislative and Advocacy,  
Treasurer and Membership

### Guest Speaker:

Debbie Butler Manager at Consumer  
Protection

**Note:** Attendees to the February meeting must RSVP via email [admin@warvra.org.au](mailto:admin@warvra.org.au)

## President's Report - Ron Chamberlain

I am pleased to announce that **Hank de Smit**, from Bethanie Beachside Village in Yanchep is the **Secretary of WARVRA**. Thank you, Hank for accepting the position. All administrative matters should still go to Shannon at [admin@warvra.org.au](mailto:admin@warvra.org.au). This includes all membership applications to be processed and all inquiries.

WARVRA still requires someone to fill the **Treasurer position**. Shannon & Eugene continue to share the treasurer's duties by sending out invoices to villages, completing all deposits and preparing reports for meetings.

The **Budget process** should commence in March or April and Resident Committees should soon be engaged in discussion about the village budget for the coming year. It is wise to examine **each line item** to see if any savings can be made and to make sure that **any surplus from the previous year** is taken into account when balancing the budget and determining whether an increase in the administrative fee is necessary. **Bulletin 13** prepared by Consumer Protection in May 2021 has been **reprinted in this newsletter (see Page 6)** as a guide to **effective consultation** which should be observed by all residents' committees and operators.

Village residents will be very pleased to know that work on drafting the **Retirement Village Legislation** will take place early in the new year and that WARVRA will be involved in the process. This process will take a considerable time in 2023 to bring the bill to Parliament, followed by a further period when WARVRA representatives will be involved in the development of the all-important **regulations**, which provide the detail in the legislation.

We have been advised that Consumer Protection is planning another paper on the **role of residents' committees** WARVRA hopes to have some input on the subject and the guest speaker at the **General Meeting on 10 February** will address some of the ideas to members at that meeting and receive feedback.

Depending on the progress of the above publication, WARVRA plans to conduct some **training sessions** at a date to be advised, later in 2023.

## Ron Chamberlain - President WARVRA



WARVRA

## Legislation and Advocacy Committee Report

Like everyone else lately, our schedules have been affected by Covid19 but are looking better for 2023.

### LEGISLATION

**Legislative reform.** We are advised that further consultation on the new legislation is imminent, and a meeting with the Hon. Minister for Commerce Sue Ellery has been scheduled for early February. We will discuss current progress with the drafting of the legislation and regulations, together with some ongoing issues of general interest.

Activity on the definitions of capital and maintenance funding continues, as does reporting on the Embedded Power Networks. Some of our Committee members are somewhat overloaded but will advise members of a result soon.

We are still seeking any case studies demonstrating unfairness especially regarding exit entitlements if you have any. It is important to have these at our fingertips in discussions with influencers. The recent Choice Magazine article is a good example of the use of media bites to emphasize points.

The pro-Bono legal service NLSC has been used by some members and was found to be of value. However we get limited feedback, so once again if you have used this facility your feedback would be appreciated.

### ADVOCACY

Our regular meetings with Consumer Protection and the Commissioner continue to bear fruit, mostly in subtle but effective ways of getting favourable results for residents.

The same issues keep popping up like correct methods of dealing with a financial surplus, formation of resident committees, poor financial reporting, and disputes over insurance and contract terms.

We are encouraged by the recent advice from Consumer Affairs that there will be closer alignment in the near future between Federal and State Consumer Law which may strengthen residents' ability to get a fair go, when often facing the owner's law firm.

On the same topic, contract complexity is still an issue for many incoming residents, and securing legal and financial advice before entering a retirement village is strongly encouraged by WARVRA. We are trying to get some Government assistance here.

WARVRA continues to warn all residents to be on the lookout for scams. We very much appreciated the Commissioner's presentation at the last General Meeting on this topic. As mentioned, the scammers are growing in sophistication, and residents must be super vigilant especially when parting with any money to anyone, no matter how legitimate it may sound. Always validate unusual request by ringing the bank on published numbers, not the numbers the scammer suggests - even though they may look genuine.

From a recent case, please be aware that if your village decides to avoid auditing and associated costs the special resolution process required and advice to the operator is required annually, it is not automatic from year to year.

We do urge all villages to have a Residents Committee. This is the most effective way of ensuring effective communication between the operator and residents. WARVRA can assist villages in setting up these committees.

**Eugene Browne - Convenor - 16<sup>th</sup> Jan 2023**

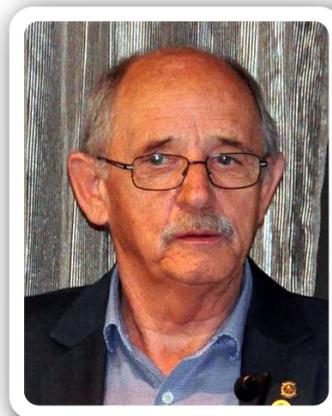


WARVRA

The Western Australian Retirement Villages Residents Association Inc

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## We welcome Hank de Smit as our new Secretary



Hank has a sales and marketing background. Hank spent 26 years with an international industrial equipment company as a sales representative, Sales Manager and General Manager, has had several overseas appointments and at the last overseas appointment was the Managing Director, returned to WA in 1999 and operated a business consultancy business till he retired late 2020, has been involved with Rotary clubs since 1976, was District Governor in 2013/14 and was a director of Rotary Australia World Community Service for 9 years and the Company Secretary for 5 years.

Hank is a resident at Beachside Retirement Village in Yanchep, married to Ruth and has three children and 7 grandchildren.

## Membership Report

Dear Members/Residents  
We are pleased to report that WARVRA currently has a membership of **5184** as set out below.

- Subscribed Villages: **104**
- Members from villages: **5129**
- Individual Members: **55**

**Shannon Macfadyen,**  
**WARVRA Membership Officer**

## Treasurers Report

Opening Balance 31 October 2022	\$31,315.53
<b><i>Income November 2022</i></b>	
Individual subscription	\$10.00
<b><i>Expenses November 2022</i></b>	
Postage	\$1.10
Administration Services	\$2,256.00
Travel	\$963.88
IT Supports	\$553.00
Food & Beverage	\$39.25
<b>TOTAL</b>	<b>\$3,813.23</b>
Cashbook Balance	\$27,512.23
Bank Reconciliation Balance	\$27,512.30
Term Investment Account	\$70,000.00
<b>Total Funds - 30<sup>th</sup> November 2022</b>	<b>\$97,512.30</b>
<b>Total Funds - 30<sup>th</sup> December 2022</b>	<b>\$96,048.00</b>

**EM Browne, Treasurer, 30th December 2022**



## What is Negotiation and Dispute Resolution?

**Conflict management** requires negotiation and dispute resolution skills, and one of the most important strategies you can adopt is to listen actively to your counterpart's concerns. To do so, you will need to resist the urge to interrupt and defend yourself. Instead, ask questions aimed at drawing out the other party's core issues.

The problem many people run into is the assumption that one party's gain is the other party's loss. Negotiators tend to be overly competitive when they concentrate on what they might lose. Too often, negotiation and dispute resolution can be an acrimonious and unproductive process.

But this doesn't always have to be the case. For this reason, it pays to instead frame discussions and proposals on what each party might gain. The following negotiation and dispute resolution strategies can help you find creative ways to reach mutually satisfactory agreements:

- Separate the person from the problem and engage issues individually at the negotiation table.
- Keep lines of communication open. Negotiations and dispute resolution can become so rancorous that both sides need a break- but don't let that break turn into a permanent impasse if an agreement would still benefit you both.
- Even in cases where resolution is not possible, these negotiations and dispute resolution approaches will allow for greater understanding between parties, where the difficulties of identity and values lie.

(free information from Harvard University)

I would like to add that prior to any negotiation or dispute resolution meeting each party should identify:

- The most important thing that they want from the other party to help solve the dispute.
- Any concessions each party is prepared to make in order to achieve their objective.

Disputes are best solved when each party comes out a winner!

## Ron Chamberlain



## Consultation period for Villages annual budget

Before the start of **each financial year**, the residents of a retirement village must have access to the **proposed budget documents** for the next year. This is in preparation for the operator and residents budget consultation process. This bulletin aims to remind operators of their budgetary obligations.

### What does the operator need to do?

Under the Fair Trading (**Retirement Villages Interim Code**) Regulations 2021 (the Code), the operator of a retirement village must establish appropriate procedures for consulting with residents and the residents' committee on future planning and budgeting of the retirement village. This includes any proposed change to the operating financial arrangements of the retirement village.

### To help with this consultation, operators must:

- Develop a proposed operating budget for the next financial year;
- Develop a proposed reserve fund budget for the next financial year (only if residents or former residents are contractually obligated to contribute to a reserve fund);
- Include the information used in the preparation of the proposed operating and reserve fund budget that a resident might reasonably expect to have access to. This may include relevant accounts of actual expenditure, and information explaining proposed fee changes or changes to the provision or availability of amenities or services;
- Display a copy of the above budget documents in a central location in the village. Operators must also make a copy of the documents available to each resident upon request. Both must occur no later than one month before the end of each financial year;
- Give each resident written notice stating where and when the budget documents will be available; and
- Ensure the proposed operating budget meets the formatting and content requirements of clause 17(3) of the Code.

*Continued on page #6...*



## What creates effective consultation?

A well-developed consultation process with residents and the residents' committee can save an operator time and minimise disputes. It is also required under the Code.

The proposed budget determines the recurrent charges that residents will pay in the coming financial year. Village budgets and recurrent charges are a common cause of complaints. Effective consultation provides residents with the opportunity to have a say in the proposed budget. It also allows them to understand the proposed recurrent charges, which will minimise the possibility of a dispute arising.

Providing information plays a part in the consultation process. Effective consultation is much more than providing information - operators should fully engage residents and the residents' committee in the decision-making process for the village's budget.

The Code provides examples of effective consultation. This includes the operator giving the residents and residents' committee the opportunity to express views on matters that affect the operation of, or experience of living in, the retirement village. The operator needs to listen and consider these views, comments and concerns before making a decision. The operator should respond to matters in writing in a timely manner. They should provide reasons why requests can or cannot be met, as well as taking steps to put in place requests where appropriate and reasonable.

## Finalisation and approval of the budget?

The proposed budget must not be finalised or approved until:

- Each resident receives their required minimum of 10 working days to consider the budget documents. This period starts the day after they are served the written notice of the location of the proposed budget documents.
- The operator holds an annual general meeting (AGM) of residents before the end of each financial year. This AGM specifically deals with matters relating to the final budget proposals for the next financial year.

Operators should not use the AGM as the initial means to engage with residents about the proposed budget. Operators should consult with residents and the residents' committee before holding the AGM. Operators might consider encouraging residents to raise queries or concerns with the operator or with the residents' committee, or to attend a pre-AGM conference where residents can voice their queries or concerns.

[Link to article on the WA Govt website](https://www.commerce.wa.gov.au/publications/reminder-consultation-period-20212022-budget-retirement-villages-bulletin-13)

<https://www.commerce.wa.gov.au/publications/reminder-consultation-period-20212022-budget-retirement-villages-bulletin-13>

[Link to Fair Trading \(Retirement Villages Interim Code\) Regulations 2021](https://www.legislation.wa.gov.au/legislation/statutes.nsf/law_s52827.html)

[https://www.legislation.wa.gov.au/legislation/statutes.nsf/law\\_s52827.html](https://www.legislation.wa.gov.au/legislation/statutes.nsf/law_s52827.html)



## WARVRA Directory 2023

<b>Council</b>			
Ron Chamberlain	President	9456 4598 0447 315 160	ronlyn_2@bigpond.com
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Barry Butterworth		9537 6937 & 0499 187 128	brbutters@gmail.com
<b>Legislation and Advocacy Committee</b>			
Eugene Browne	Convener	6363 6477	vp@warvra.org.au
Lexie Beardmore, Barry Butterworth, Ron Chamberlain, David Street			
<b>Regional Conveners</b>			
Region	Position	Name	Phone
Great Southern	Convener	Monika Cull	9842 3786 0407 691 975
South West	Co-Convener	Lorraine Watts	9754 2346 0408127 674
South West	Co-Convener	Lynette Cooper	9724 4954 0422 523 079
Peel	Convener	Barry Butterworth	9537 6937 0499 187 128
Midwest	Convener	John Lewis	0437 780 798
<b>Administration</b>			
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Dave Porter	IT & Newsletter Compiler	0411 411 639	daveporter@me.com

