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Next Meeting

Friday 17th May 2024

- **Time:** 10.00am - 12.30pm
- **Exhibition Hall:** Department Mines, Industry Regulation and Safety, 140 William Street Perth

RSVP by the 13th of May

AGENDA

- **Reports:** President, Legislative and Advocacy & Treasurers.
- **Guest Speaker:** Penny Griffith and Robyn Peterson - Senior Policy officers from Consumer Protection - provide a detailed account of the provisions of the reform legislation bill.

President's Report - 14th April 2024

WARVRA has been informed that the **fifth draft, of the reform legislation**, has been received by Consumer Protection. This will likely be the final version. A confidential draft will be released to WARVRA (and the Property Council) in the next few weeks. Any further feedback can be made after that time.

At the next **WARVRA General Meeting** to be held on **17th of May 2024** guest speakers (Penny Griffith and Robyn Peterson) Senior Policy officers from Consumer Protection will be in a position to provide a detailed account of the provisions of the Bill, which will soon be presented to the Legislative Assembly. **This is an important meeting and Council hopes that there will be a wide representation of members who attend the meeting.**

The legislative reforms will have a welcomed impact on:

- **Potential residents** of retirement villages who will be provided with accurate information about the workings of a retirement village scheme.
- **Financial obligations** of operators in the development of a village budget for maintenance.
- **Responsibility for the establishment and purpose of a reserve fund.**
- **Acceptable behaviour** of both staff and residents in a retirement village.
- Details on **the fairness and time limit on the payment of the exit entitlements** due to residents or their estates when residents permanently exit the retirement village.
- The obligation on operators to **provide information on the future developments** of a village and the impact on residents.

Please register with Shannon if you wish to attend the meeting.

Residents who have received **contract "re-writes"** are advised of the need to **seek legal advice** before signing any documents. Often it is not in the best interest of the resident to sign these documents. Even though legal advice may appear costly, the actual cost is only about what one would spend on one month's maintenance. This would seem to be a small price to pay for the peace of mind good advice will bring.

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President's Report - continued

Consumer Protection is offering comprehensive advice on the effect of scams on older Australians. Be aware that there are simple precautions that can help you guard against the predators who operate these scams. Look out for meetings about scams that may be available in your area or arrange with Consumer Protection to hold a meeting at your village.

The following Consumer Protection websites will assist you to gain further information on the matter:

- [Scamnet Home Page.](#)
- [ScamNet education videos](#)
- [Consumer Protection – ScamNet Year in Review 2023 \(PDF\)](#)



Ron Chamberlain - President

L&A Subcommittee Report May 2024

Legislation

WARVRA has been advised that the **draft Retirement Villages Bill 2024** is not too far away and we on the subcommittee are looking forward to seeing what it contains sometime in May 2024. As usual the Bill has gone through a number of review iterations by **Parliamentary Drafting and Consumer Protection** and hopefully will address all our requirements.

The subcommittee briefly discussed the **Volunteers and Food and Other Donors (Protection from Liability) Act 2002** which protects certain volunteers from incurring civil liability when doing community work on a voluntary basis. It protects volunteers by shifting that liability from the volunteers to the community organisations that organise the community work.

The subcommittee was given a copy of the **latest version of Rule changes proposed for WARVRA for comment** before they go to Council and then on to a General Meeting of members.

Advocacy

The subcommittee has received **several complaints** in recent months about **exit fees** being excessive and some have been referred to Consumer Protection. Exit fees in general refers to the fees taken out by the village administration when a resident leaves the village at contract termination, and the amount charged depends on the individual contract as signed by the resident and the administering body on entering the village.

In a typical **“Lease for Life”** contract, the Exit Fee can be as simple as just the **25%** or so of the **“Premium” paid on entering**. This component is called the **Deferred Management Fee** which is taken out, and the resident gets back 75% of the “Premium” paid on entry, plus in some cases a percentage of any capital gain if it is a Capital Share contract.

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e: contact@warvra.org.au | w: warvra.org.au | ABN 83 503 721 383

L&A Report continued...

However in most contracts, the Exit Fee is **not that simple**, and includes additional charges described variously as: refurbishment fee, real estate agents fee (for selling the lease), settlement fee (for lease termination administration), a reserve fund fee, replacement fund fee, monthly levies owing, utility fees owing, deferred infrastructure fee, cleaning fees and so on. This combination of fees in some cases has been known to reduce the return to residents on exit to less than **50% of their Premium**.

Where the exit fees are considered **unreasonable** or unacceptable WARVRA recommends negotiating with village management in the first instance, using the dispute resolution process secondly, and then if unsuccessful there is the option of going to the State Administrative Tribunal as per Clause 22 of the Code for the refurbishment fee, which is usually the main fee in dispute. WARVRA and Consumer Protection can also assist, and legal advice is also recommended.

WARVRA is **concerned about some operators** in this space giving the industry a bad name, however residents must in all cases refer back to their contracts, as they may indeed have signed up for more fees than they thought, and in that case they are committed.

For the **new legislation**, WARVRA has recommended **changes in Exit Fee arrangements** to better suit residents including **clearer definitions** and responsibility for refurbishment, renovation, improvement, and wear and tear.

WARVRA has received **2 recent enquiries** about obtaining loans to assist with the "Premium" payment to move into a retirement village. We are not aware of any such loans having been given by a financial institution, but we are aware of at least one operator who has an arrangement that would suit this situation. [Contact WARVRA](#) for details.

The subcommittee has recommended setting up a list of **Frequently Asked Questions** on the **website** to assist existing and potential members.

Eugene Browne, Convenor, 16th April 2024

COTA WA would like to thank **WARVRA** for your assistance in gathering valuable insights regarding the communication preferences of seniors in receiving and providing information to businesses and government agencies. This knowledge is essential given the increasing reliance on digital and online platforms.

As part of this effort to enhance communication strategies and services tailored to the needs of older adults, we really appreciate you distributing the brief survey through your mailing lists. The information collected will enable us to better understand the communication strategies preferred by seniors, their expectations, and how they engage with various entities. By participating in this initiative, your organization will contribute significantly to improving accessibility and inclusivity for seniors in our community, as the information we obtain will be made widely available.

Chris Jeffery, Chief Policy Officer



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e: contact@warvra.org.au | w: warvra.org.au | ABN 83 503 721 383

Ron Chamberlain and James Whiltshire

The **Do Come Monday (DCM)** Institute trains village managers in each of the Australian states. **James Whiltshire** is the Executive Director of the DCM Institute and has regular training sessions in Perth with managers who train at the Institute. Ron often speaks at these meetings with village managers. **James and Ron are in regular contact over matters affecting Western Australian Retirement Villages.**



Treasurers Report - April 2024

Cashbook Opening Balance 31 st March 2024	\$26,788.04
<i>Income March 2024</i>	
Village Contributions	\$0.00
Individual memberships	\$40.00
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Total	\$40.00
<i>Expenses March 2024</i>	
Admin Support	\$1,280.00
WHY - Seminar	\$269.90
Account Service Fee ANZ	\$10.00
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Total	\$1,559.90
 Cashbook Balance 28 March 2024	 \$25,268.14
 Bank Reconciliation Balance	 \$25,268.14
Term Deposit Investments	\$71,280.81
Total Funds as at 28 March 2024	\$96,548.95



WARVRA Directory 2024

Council			
Ron Chamberlain	President	9456 4598 0447 315 160	president@warvra.org.au
Eugene Browne	Vice President, Convener L&A	6363 6477 0424 818 840	vp@warvra.org.au
Hank de Smit	Secretary	0419 926 425	secretary@warvra.org.au
Jacque Liddiard OAM	Treasurer	0400 661 523	treasurer@warvra.org.au
Jan Stacey	Membership officer	0432 506 411	council2@warvra.org.au
Peter Farrell	Council member	0458 720 022	council1@warvra.org.au
Barry Butterworth	Council member	9537 6937 & 0499 187 128	council3@warvra.org.au
David Cummins	Council member	0419 468 230	dblecummins@gmail.com
Legislation and Advocacy Committee (L&A)			
Eugene Browne	Convener	6363 6477	vp@warvra.org.au
Members: Lexie Beardmore, Barry Butterworth, Ron Chamberlain, David Street, Peter Farrell, Hank De Smit & David Cummins			
Regional Conveners			
Region	Position	Name	Phone
Great Southern	Convener	Monika Cull	9842 3786 0407 691 975
South West	Co-Convener	Lynette Cooper	9724 4954 0422 523 079
Peel	Convener	Barry Butterworth	9537 6937 0499 187 128
Administration			
Shannon MacFadyen	Admin Assistant	0439 987 990	admin@warvra.org.au
Dave Porter	IT support, WEB & Newsletter Compiler	0411 411 639	hello@dj-software.com.au

