

# WARVRA Newsletter

April 2014

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WARVRA

## NOTICE OF GENERAL MEETING

The next General Meeting of the Association will be held at the Piney Lakes Environmental Education Centre, Leach Highway, Winthrop  
(The entry to the centre is on the south side of Leach Highway between Murdoch Drive and Winthrop Drive)

**FRIDAY 9 May 2014 at 10.00 am**

### GUEST SPEAKER:

**Ms Catherine Scott  
Legal Policy Officer**

**Department of Commerce, Consumer Protection Division**

Catherine is a member of the Team in the Legislation and Policy Branch that has been responsible for the development of the new legislation.

She will speak about

- ◆ Implications of the reforms for residents already in villages
- ◆ Changes proposed to financial reporting requirements

### BUSINESS:

**President's Report**

**Treasurer's Report**

**Legislation Update**

**Seminars Committee Report**

**General Business**

**Members' Issues**

## COMMITTEE MEMBER VACANCY

The WARVRA Committee is made up of volunteers

At this time, we could add up to three members to the Committee

If you would like to volunteer, contact the President on 0448 812 888

**Western Australian Retirement Villages Residents Association Inc**

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## WARVRA COMMITTEE DIRECTORY 2014-15

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### THE QUARTER'S NEWS IN SUMMARY

- There was a collective sigh of relief from your Legislation Committee (David Street, Colin Edwards, Patrick Wyburn, Peter Thobaven and Des Cousins) when the notices appeared in the Government Gazette to proclaim the Amendment Act, the revised Regulations and the new Interim Code. At last, something has happened to justify all the effort of members and their supporters since the review started in 2006.
- Two parts of the legislative reforms have particular and immediate relevance for existing residents:
  - ◆ Residents as a group may, after passing a special resolution, appeal to the State Administrative Tribunal (SAT) against unwarranted or excessive increases in recurrent charges (monthly fees) or the imposition of a levy. This is a timely matter to note as operators are right now preparing budgets for the next financial year. WARVRA has arranged a seminar on Thursday 24 JULY 2014 at Piney Lakes to help us understand the appeal processes of SAT.
  - ◆ The time cap on recurrent charges after a residence is permanently vacated starts ticking as from 1 April 2014. For all non-owners in residence on that date, the time cap for the payment of recurrent charges is six months from the time “permanent vacancy” as defined in section 23 of the Retirement Villages Act occurs. Now the proper procedures **MUST** be followed here or the operators will find loopholes and your payments will continue! WARVRA has prepared an Information Paper to explain and guide you through the procedures with a worksheet—it will be distributed to members and villages very shortly (just doing a final check that the legalities are right). And there is something you **MUST** do—you must have a Will and an Enduring Power of Attorney so that if you cannot take the actions to establish permanent vacancy yourself, someone is properly authorised to be your “legal personal representative”.
- We often meet residents who do not understand their contracts and are surprised (and sometimes angry) at what they have signed up for. That’s why one of WARVRA’s aims is to help people making the decision to enter a retirement village. We do need your help in letting **POTENTIAL** residents know that we will be offering a Forum for them to help in understanding the retirement village world. It will be on **THURSDAY, 8 MAY 2014 at 10 am at CITY WEST LOTTERIES HOUSE, 2 Delhi Street, West Perth** (just a few metres walk from the City West train station). The charge for this Forum will be \$10, payable at the door.
- Numbers are very important if WARVRA is to be taken seriously as “*the voice of Retirement Village Residents*”. The Committee has charged new member, Ian Nordeck, with the role of Membership Development Officer. Ian is developing a program of presentations to the residents of villages with the aim of demonstrating the advantages of WARVRA membership, highlighting its achievements to date, underlining its role in legislative reform and providing training and resources for village residents. If you can help, contact Ian (details above). You may be able to help secure an invitation for our representatives to address your residents. **NUMBERS ARE STRENGTH.**



# WARVRA ACTIVITIES

## LEGISLATION REPORT

### **ACTION AT LAST!!**

A proclamation in the Government Gazette on Friday 21 March 2014 brought the Retirement Villages Amendment Act 2012 into force.

In the same Gazette, amendments to the Retirement Villages Regulations were made and a new (fourth!) interim version of the Code proclaimed.

Copies of the Retirement Villages Act 1992 and the Retirement Villages Regulations 1992 incorporating all the recent amendments have now been posted on the WARVRA website.

#### **A Major Failure in the New Regulations**

We were not able to convince the Minister to abide by the undertaking given by his predecessor to prohibit retirement village operators from passing on to residents the costs of membership of industry associations and the costs of (their own) accreditation programs.

The new regulation (Reg 11 (3) (o)) allows the operators to charge residents no more 50% of these costs.

It has been our constant position that neither of these expenditures are **necessary** for the running of a retirement village and if the operators choose to belong to an industry association and choose to have their village accredited, then that is their decision, for their purposes, and they should pay for it from their own resources.

The Committee is now taking action with selected MPs to see if this regulation can be disallowed and an amended regulation inserted in keeping with the former minister's undertaking to Parliament that charging such costs to residents would not be permitted.

#### **But it is even worse for some residents!!**

Several large village operators have never charged the residents in their villages for industry association membership or accreditation costs. We have heard that some villages are using the amendments to the Act and Regulation to introduce these charges—so an provision meant to reduce the impost on residents has had the opposite effect—costs have increased!

We have also know, first hand, of one village operator who is increasing demands on the village in other areas (intranet and photocopier lease) to recover their potential costs when they have had to make up recurrent charges not received from permanently vacated residents.

**IF THESE THINGS ARE HAPPENING IN YOUR VILLAGE, PLEASE TELL US, AND PROTEST VIGOROUSLY AGAINST THIS IMMORAL BEHAVIOUR BY VILLAGE OPERATORS.**

#### **The Remaining Legislative Reforms**

The Department of Commerce assure us that work is continuing on the new Regulations to implement section 14A of the amended Act (these regulations will deal with the matters that must be or must NOT be included in Village Contracts) and on the revised Code.

The revised Code is the most immediately important element to us of these remaining changes. It will incorporate, among other things, a number of reforms to the financial reporting obligations of operators.

But so far we have not seen anything in writing about the content of these new financial reporting obligations save for a brief general summary in one of the "Retirement Village Updates".

The Department has promised us an "exposure draft" but we are still waiting (and have been for several months).

It is unlikely that any further changes will take effect before 1 July and even then may not become operative until the commencement of the next financial year after proclamation (which would make it 1 July 2015!)

#### **Thinking Ahead to Bill 2**

Work on Bill 2 will not commence until all the matters from Bill 1 have taken effect and been bedded down.

But this is the time for us to begin thinking about the outcomes we want from the next set of reforms. While the Statutory Review will guide that process, it needs to be remembered that the Statutory Review was completed in 2010 and a lot has happened since then.

The Committee has asked the Legislation Committee to begin preparing a "position paper" on the next round of reforms—and you can add your ideas to this. **Let us know what reforms you consider need to be included in Bill 2**

# BITS AND PIECES

## INTEGRATED CARE

At the recent so-called “Leaders’ Summit”, the following joint statement was issued by the organisations representing retirement village operators:

*“Over the past two days of the Leaders’ Summit we have heard the success stories of integrated care in retirement villages.*

*“The Retirement Living Council, Aged and Community Services Australia and Leading Age Services Australia have been in discussions about how to best bring integrated care models to the attention of policy makers - our political friends of all stripes - in Canberra, and we would like to let you know that we will be combining our efforts to educate and negotiate with the decision makers.*

*“Any spend of Commonwealth funds brings with it regulation. The RLC, ACSA and LASA will be pursuing integrated care and the best way forward for sensible and realistic policies with a collective focus and effort. We want the ‘best imaginable’ outcome for all.”*

“Integrated care” means the increasing tendency of both home and community care and residential aged care to be offered within the retirement village setting. It is a pattern very common in New Zealand where there are no laws separating retirement villages from residential aged care.

The WARVRA Committee can see some merit in such a model but considers there will also be many detrimental effects on villages—such as ageing the village population, increased costs, lack of able volunteers to maintain village life and social activities.

**What do you think? Let us know your thoughts and experiences.**



The Manager of the Year Award is an annual opportunity to acknowledge exceptional retirement village communities. Through this award nominees, their staff and their residents are recognised for their hard work.

Has your village manager shown outstanding contributions, actions or achievements in making your retirement village a great place to live?

Nominating is straightforward.

- As a retirement village resident you are eligible to nominate.
- Eligible entrants are village managers that go above and beyond for their residents and staff. They must also be members of the Property Council of Australia.
- Each nomination must be accompanied by a letter of endorsement from a resident and an endorsement from a representative of the owner/operator

All nominations must be fully completed and submitted by 30 May 2014. For nomination guidelines and forms at [retirementliving.org.au](http://retirementliving.org.au)

### Liveable Housing Australia

was established in 2011 as a partnership between community and consumer groups, government and the residential building industry. It seeks to transform the way homes are designed and built, advocating the adoption of liveable housing design principles in all new homes built in Australia.



LHA’s Liveable Housing Design Guidelines describe the features that help make a home more liveable. These features should be found in all retirement village residences, too.

The seven core design features elements are:

- ◆ A safe continuous and step free path of travel from the street entrance and / or parking area to a dwelling entrance that is level.
- ◆ Internal doors and corridors that facilitate comfortable and unimpeded movement between spaces.
- ◆ A toilet on the ground (or entry) level that provides easy access.
- ◆ A bathroom that contains a hob less (step-free) shower recess.
- ◆ Reinforced walls around the toilet, shower and bath to support the safe installation of grab-rails at a later date
- ◆ A continuous handrail on one side of any stairway where there is a rise of more than one metre.
- ◆ At least one, level (step-free) entrance into the dwelling.