



www.villagers.org.au

The Association of Residents of Queensland Retirement Villages Inc.

PO Box 1361, Buddina QLD 4575

Committee contact details on back page

No. 95

NEWSLETTER

August 2015

Editorial

Committee changes: we are happy to report that Marie Milner, Treasurer and Membership Officer, has agreed to take on the role of Secretary. We are grateful to Marie for assuming this additional load, some of which will be shared by other Committee members. We take this opportunity to thank Steve Murray for his work as Secretary until he resigned in order to allow more time for the Inaugural Liaison Officer Conference in November (see article on page 4). We also thank Steve for continuing with the secretarial work until Marie could take over. In this context, there is a change to the way all post for the Association will be handled (see article on page 8).

We are also pleased to welcome to the Committee Irene Ford, who was Membership Officer on a previous Committee. Irene, initially, will assume whatever duties that we throw at her and which she is happy to handle. We regret to advise that Ann Murray has resigned from the Committee, but are grateful that she will continue the Database work, until such time as someone else has been trained in this role. We thank Ann for all her work and especially for setting up this important committee tool.

The Insurance sub-committee's third item, "Insurance Subrogation", appears on page 2.

Some members had difficulty accessing the Website to download the Estate Planning Document. We apologise for this, and if you, too, have had difficulty, we refer you to the article "Website News", on page 2.

The Association's AGM will be held on Monday 21st September (see details on page 5).

Donations

It's wonderful to be able to report that, since our anonymous "Little Aussie Battler" wrote his or her letter, which was published in our August 2014 Newsletter, Issue no. 91; donations have flowed in. During the financial year 2014/15, the Association received over \$8,000 in donations, all added to the funds used to provide services to our members. The total of donations received during the last financial year was more than double the figure for the previous year. Thank you to all who have donated over this past year, and, in particular, the "Little Aussie Battler", ... whoever you are!

Without wishing to appear greedy, we say:

KEEP IT UP, PLEASE!

Victims?

A disturbing development appears to be emerging among not only some larger Scheme Operators, but also the State Government and local Councils, all of whom seem to be demonstrating a determination to extract as much money as possible from retirement village residents, by whatever means come to hand. For example, despite repeated efforts by the ARQRV to achieve recognition by some local Councils of the entitlement of retirement village residents to Pensioner Subsidies, our efforts have been unsuccessful. Recently, and more alarming, see the article on page 2, headed Emergency Services Levy Increase. Further, the Disputes Report on page 3 makes for disquieting reading.

***Check this out: (thanks to Choice Magazine)
The Hidden Costs of Retirement Village Contracts***

<https://www.choice.com.au/money/property/buying/articles/retirement-village-contracts>

Insurance in the Village

Insurance Subrogation

In most of our insurance policies, we have a requirement to assist the insurer when we make a claim. This means we must give the insurer all the information and assistance which the insurer reasonably needs, to handle our claim.

The insurer has the right to recover all amounts payable under our claim, from any other person who is responsible for the damage which is the subject of the claim and therefore we must co-operate with the insurer in any action which they are entitled to take.

This is referred to as subrogation and it applies to most contracts of insurance. Its purpose is to allow the insurer to '*stand in the insured's shoes*' or to assume the rights at law of the insured person to recover the loss.

In reality, suppose another driver runs a red light and your car suffers a total loss. You have insurance on your car and lodge an insurance claim. Your insurer pays you for the total loss of your car including any other expenses related to the accident. Your insurer will then seek reimbursement from the at-fault party or their insurer. Your insurer is "subrogated" to the rights under your policy and can "step in your shoes" to recover any amount paid out on your behalf. This is how subrogation works.

Subrogation is sometimes misunderstood and criticized, on the basis that payment under an insurance claim is simply a right, based upon the payment of the insurance premium, and a belief that they should also retain a right to exercise any claims arising from the insured event. The law simply does not allow this. Subrogation allows the insurer to proceed against third parties and recover their loss. It also operates to prevent over-recovery by the insured person; however it does not prevent the insured person from seeking to recover from the third party any loss which may not have been covered by their policy (e.g. the policy excess, or in the case of the example above, a baby pram which was in the boot and suffered loss in the accident), it is considered to form part of the general law of unjust enrichment (i.e. preventing a party by being unjustly enriched by pursuing a claim for a loss in respect of which they have already been indemnified).

Should any member of the ARQRV experience any difficulty in understanding the action of their

insurer following a claim, please refer the matter to the ARQRV, as there should be a simple solution

Emergency Services Levy Increase

On the apparent instruction of the State Government, local Councils are reviewing retirement village contributions to the Emergency Management, Fire and Rescue Levy. Substantial increases are potentially involved. In one instance, the annual Levy last year of \$476 has been increased to \$7,050 for this year. Yes, a nearly 15-fold increase! In this and other examples brought to the attention of the ARQRV, the cause seems to be an incorrect original assessment of the use to which the land was being put. Recognising the potentially serious impact this could have on members, the Association has commissioned a Report on how to determine whether or not a claim from Council for such a huge increase in Levy is justified, and how to go about getting it corrected. This Report is available in the Members section of our Website at <http://villagers.org.au/urban-fire-levies/> or look under 'Village Operations'. If you do not have access to the Internet, and want a copy, then write to the Secretary, requesting one.

Website News

Over the past few months, a number of members have had difficulty in accessing documents on www.villagers.org.au. They find that, with their login and password, they can access the site, but when they select a document link, they are told that they need to be a member. If this has happened to you, please accept our apology. It is easily and quickly fixed if you send the Web Manager an email (see below).

For those who are interested in the cause of the problem, the answer is simple. Unfortunately, when the website was being developed, a file that was uploaded did not accurately pass on the information about every financial member, to the website, and as a consequence, some members are incorrectly flagged as being unfinancial.

It is very difficult to identify those members who have been incorrectly flagged, so we rely on you to tell us. We believe that the majority of instances of incorrect information have been resolved. However, if you are having any difficulties with the website, do not hesitate to contact Peter Smyth, web.manager.arqrv@gmail.com, who is confident he can assist you.

Disputes report

To begin on a positive note, the ARQRV wishes to emphasise that not all Scheme Operators are “bad news” for residents. Many respect the consumer-protection elements of the Retirement Villages Act, and demonstrate a definite desire to do the right thing by their residents. Unfortunately, they tend to be in a minority.

To expand on the “Victims?” article on page 1, a few examples of the disturbing development follow.

Some Scheme Operators attempt to make residents claim on the resident’s contents insurance policy for accidental damage to the Operator’s property or, when a claim has been correctly made on the Operator’s policy, bully the resident into paying the policy excess. One such case involved an operator with the word “care” in the corporate title which, at the time of writing, has proved that the only thing they “care” about is their profit and never mind the residents they are supposed to “care” about. For the record, sections 109 and 110 of the Retirement Villages Act set out who must insure what, and to what extent. Many Operators have claimed incorrectly that a resident’s Residence Contract make the resident responsible for insurable risk damage, choosing to ignore the fact that the Act takes precedence over the Residence Contract, thus making the Operator responsible for insuring all village property (i.e. the entire village). In a number of cases, we have been able to persuade the Operator to respect this interpretation of the Act. In two cases, however, (including the Operator that claims to “care”), the outcomes are pending.

Attempts to offload other operator’s costs to residents have also become a subject for disputes. Many operators have access to lawyers and accountants who advise on ways to extract as much money as possible from residents, particularly in passing Operator costs on to residents. Seeking to transfer the cost of corporate telecommunications systems by one operator, and non-Award employee costs by another operator have been successfully contested.

An attempt to substitute the savings made when water costs were reduced (following a campaign by the ARQRV), with non-Award employee costs in village budgets has occurred, which triggered the second dispute mentioned. It is good to be able to report that that Operator has decided to remove that component of wages from this year’s budget; however, they reserve the right to revisit this matter

next year. The Association’s response to the Operator was to express pleasure to read of this decision, but also to advise that, should this item appear again next year, similar resistance will be mounted again.

Still on the Water Subsidy, some Operators are unwilling to replace large meters with smaller ones which would entitle residents in those villages to the water subsidy. Why? Changing the meters would be a capital expense, and the benefit would go not to the Operator but to the residents, through reduced General Service Fees. Such Operators fail to recognise that lower fees mean their units are more attractive to potential new residents. Their attitude is: No! Let’s just leave things as they are and let the residents continue to miss out on that subsidy.

At a recent meeting with the Department of Housing & Public Works (which is responsible for administering the Retirement Villages Act), the ARQRV tabled a document identifying major concerns with the Retirement Villages Act. This will shortly be available on our Website under “Areas of Concern”. Soon to be uploaded to the same area are: a one-page chart summarising members’ concerns regarding the Act and related legal documents; a 41-page document, giving the 300 members’ submissions; The ARQRV’s letter following that meeting and the Department’s response.

Estate Planning Document

As mentioned in Newsletter No. 94, now available on the Website is an Estate Planning document produced by the Committee (look under ‘In Addition’). All members are urged to download a copy of this, and to keep it with their important documents. If you do not have access to the Internet, and want a copy, then write to the Secretary, requesting one. This is important for your Executor in winding up your affairs after you have left this world. Your Executor needs to know as many of the pitfalls as we can warn them of, so as to avoid them.

It is important to note here that this document has been prepared for the benefit of ARQRV members, as part of the service provided through the membership fees. Please do not pass it on to non-members. Further, the information is likely to be not relevant to people who do not live in retirement villages, so we ask members not to pass it around to others.

Inaugural Liaison Officer Conference

The Inaugural Liaison Officer Conference will be held on Saturday 21 November 2015 at Wheller on the Park Retirement Village (WOTP) in Chermshire. (Many thanks to WOTP residents and management for making their facilities available to the ARQRV for this conference.)

The Conference will be an important opportunity for Liaison Officers to get together and discuss issues directly affecting residents, management and differing interpretations of the Retirement Villages Act.

- The morning sessions will consist of an opening by a prominent politician and welcome by WOTP residents and management, individual sessions on the role of a Liaison Officer, roles and responsibilities of Residents' Committees, Residents and Scheme Operators, village Budget checking and communication channels.
- The afternoon sessions will be a choice of breakout sessions that will conclude with recommendations for action.
- There will be a closing Question and Answer session with a knowledgeable panel.

All Liaison Officers have been invited but those wishing to attend, who have not already booked in, must book as soon as possible. There is a \$50 charge for registering (refunded on attendance). There is a maximum of 40 places for the Conference and over half have been taken already. There are also subsidies for those travelling more than 140 kms each way (\$50), and those people may also be eligible for an accommodation subsidy (\$100). It will be a very worthwhile Conference, providing a lot of background about issues in retirement villages. Ask your Liaison Officer if he or she is going to attend.

If you are a member of a Residents' Committee, then you may be able to attend if there are some places available in the last two weeks. If you wish to be placed on a waiting list, please send your details to Steve Murray, Liaison Officer Co-ordinator, comm10arqrv@gmail.com.

Security in Your Home

The following abridged article is reproduced from "Frank & Earnest" Newsletter No. 018, dated 7th August, with thanks. That newsletter is worth subscribing to, at: www.frankandearnest.net.au

In monitoring media coverage about retirement villages across the country, a couple of recent

incidents were noted. In February this year, there were reports of assaults in both Bendigo and Albury.

This week there was a break-in and assault in Perth where a 74-year-old woman arrived home about 11am to find a 30-year-old woman in the back yard of her independent living unit in Edgewater. The younger woman assaulted the resident before running away. She then allegedly attempted to steal a truck, assaulting the 26-year-old male driver, before being wrestled to the ground by two women who were passing by, and they made a 'citizen's arrest'. Meanwhile, the resident and the male driver were taken to hospital with minor injuries. The 30-year-old woman has been charged with aggravated assault occasioning bodily harm, two counts of aggravated burglary, two counts of stealing, one count of robbery and one count of obstructing a public officer.

While a few reports do not constitute a worrying trend, they should prompt village residents to review their home security, and be vigilant about locking doors and reporting any questionable strangers they see on the premises.

Most residents of retirement villages feel safe and secure, knowing their home has an emergency call button and their village usually has an on-site 24-hour emergency call system so if incidents do happen, there is help at hand. But because living in a retirement village is generally safer and more secure than other places, many become complacent.

When you look at the incident in Perth, if the resident had not been in a retirement village, the outcome might not have been as positive. So there are clear security benefits of retirement villages, but ensuring good safety and security is better when people work together and help one another too.

There are many small things you can do to maintain the security of your home and make sure you don't become the victim of any assault.

Here are our tips for keeping your home secure.

1. Lock up

Even if you are going out for a short time, lock-up your house and windows. Locksmiths can provide advice on appropriate door and window locks, and key all the windows to a single key. Also, ask your electricity supplier about locks for your power supply to prevent tampering. Keep your car locked. For instance, police in Bundaberg have reported a case of a garage door opener stolen from a car, and later used to burgle the owner's property.

(Cont'd on page 5)

Annual General Meeting

This year, the Annual General Meeting will be held on Monday 21st September 2015, in Maroochydore, at the Community Centre in Millwell Road, very handily placed next to the Sunshine Plaza car park.

The Meeting will commence at 10 a.m., but members are invited for tea or coffee as from 9:30 a.m.. We hope to see a large attendance.

Nominations for Committee portfolios are called for, as per the Nomination Form below. You can nominate any member of the ARQRV. Attendance at monthly Committee meetings is expected of committee members and, if elected, that member will be required to take on some tasks.

If you are unable to attend the AGM, you could give your proxy to another member. A Proxy Form is on the reverse of the Nomination form.

Security tips (continued from page 4)

2. Don't provide cover for burglars

Deter thieves from targeting your house by ensuring a clear line of sight from the street. Cut back trees and bushes that obscure your front door, look into installing movement sensor lights and report broken street lights straight away. Police also suggest making sure your house number is visible for the fastest response if you need to call for help.

3. Check and upgrade your defences

A high number of victims of burglary say a door or window had been damaged or tampered with in attempted break-ins: therefore, you should consider strengthening these defences. A solid door with a deadlock is a good idea and a lockable security screen can help keep burglars out.

4. Assess potential targets

Garages and garden sheds are often targets for burglars who can then use your tools or ladders to gain access to the main house (police even report wheelie bins used to smash windows). An automatic light, for instance, fitted to the shed or garage can be a useful deterrent, along with keyed locks.

5. Safeguard your keys

It's best to keep your keys somewhere safe in the house but also don't lend your keys to tradespeople or other people because keys are easily copied and can provide burglars with fast access to your belongings. Be sure your keys are only ever given to people you really trust.

7. Store valuables in a safe

Money and jewellery are most often stolen in break-ins, so install a small safe in your home to protect those items.

8. Make friends with your neighbours

In a retirement village, your neighbours will usually look out for you and help you, should anything happen. Neighbours can report suspicious activity at your home, and help when you're away – and you can return the favour.



NOMINATION FORM

Complete and return this nomination form by 7th September 2015 to

The ARQRV Secretary – PO Box 1361 BUDDINA Qld. 4575

I, _____ of _____ Village

Nominate _____ of _____ Village

To be: **President / Vice-President / Secretary / Treasurer / Committee Member (circle one)**

Signed _____ (nominator) _____ (secondor)

Accepted by: _____ (nominee)

ARQRV Collection of Data from Some Retirement Villages

Many thanks to the 50 or so members who responded to the request for data about their village in the last Newsletter.

While the survey data is a very small sample of data from some of our retirement villages, it seems appropriate and relevant to publish some results from that data collection. The two tables on the next page have been prepared for your information. The first is a comparison of the dollar amount of the monthly fees in the village, which have been arranged from highest to lowest. The second is a comparison of the three-year percentage increases in the monthly fees in the village, which have also been arranged from highest to lowest.

Please be aware that

- Members from only a few villages responded. All responses have been included, except
- Data from some respondents was incomplete, and in those cases, the data could not be included in the two tables.
- Generally, only one set of data was received from each village represented here.
- In two cases, more than one set of data was received and these have all been included.
- Noting the wide disparity between facilities and standards provided by the various

operators, no attempt was made to analyse the facilities provided in each village.

- Some villages charge monthly fees that are less for single residents than couples.
- In one village, Council rates were not included for the freehold section.
- A key point to note, from the percentage increases, is how pensioner residents' disposable income is shrinking through fee increases greater than the cpi, when their pensions are only increased by the cpi.

Making a Bequest to the ARQRV

Members who would like to express their gratitude, or simply to provide financial assistance to the Association, but do not have the funds to do so right now, may wish to make a Bequest in their Will. The ARQRV Legal Adviser has provided the following wording, should any member wish to use it.

"I give the sum of \$ _____ to The Association of Residents of Queensland Retirement Villages (Inc.) (the Association) for its general purposes. I express the wish but without creating any binding trust that if practicable this gift be applied towards the Objects of the Association as stated in its Constitution from time to time. I declare the receipt of the Association shall be sufficient discharge to my executor(s) /trustee(s)."



APPOINTMENT OF PROXY

Complete and return to The ARQRV Secretary by 20th September 2015

I, _____ of _____ Village,

Appoint _____ of _____ Village

To be my Proxy at the 2015 Annual General Meeting

Signed _____ (Member giving proxy)

GS Fees Survey Result

Monthly Fee for 2014/2015

Monthly Fee % Change over 3 Years

CPI over 3 years 6.7%

Village	Suburb	Fee	Village	Suburb	% Change over 3 years
Twin Waters	Twin Waters	\$675.00	Peregian Springs	Peregian	28.2%
Village at Yeronga	Yeronga	\$657.93	De Paul Manor	Ashmore	24.4%
Tranquil Waters	Victoria Point	\$640.00	Village at Yeronga	Yeronga	24.4%
Twin Waters	Twin Waters	\$638.00	Sugarland	Bundaberg	22.2%
Keperra Sanctuary	Keperra	\$632.95	Bellflower	Sippy Downs	21.1%
TriCare	Mt Gravatt	\$611.29	Buderim Gardens	Buderim	19.4%
Azure Blue	Carina	\$595.66	Tranquil Waters	Victoria Point	17.4%
Aveo Albany Creek	Albany Creek	\$593.30	The Parks AVEO	Earlville	16.2%
Village at Coorparoo	Coorparoo	\$593.10	Aveo Albany Creek	Albany Creek	16.0%
De Paul Manor	Ashmore	\$580.64	Palm View	Mackay	15.1%
AVEO Robina	Robina	\$568.63	TriCare	Mt Gravatt	13.5%
Twin Waters	Twin Waters	\$559.00	RSL Care	Bongaree	13.4%
Lindsay Gardens	Buderim	\$537.85	Twin Waters	Twin Waters	13.1%
Sugarland	Bundaberg	\$524.33	Twin Waters	Twin Waters	12.7%
Fraser Shores One	Pialba	\$494.45	Twin Waters	Twin Waters	12.5%
Noosa Waters	Noosa	\$486.95	Sunset Ridge	Zilzie	12.1%
The Parks AVEO	Earlville	\$476.40	Argyle Gardens	Avoca	11.9%
Sunnybank Green	Sunnybank	\$473.70	Cooloola Waters	Tin Can Bay	11.7%
Wheller	Chermside	\$465.38	Wondall Gardens	Manly West	11.2%
Farrington Grove	Ferny Hills	\$450.20	AVEO Robina	Robina	10.6%
Farrington Grove	Ferny Hills	\$450.20	Fraser Shores One	Pialba	10.6%
Southern Cross	Eden's Landing	\$449.10	Sunnybank Green	Sunnybank	9.8%
Eaglemount	Mackay	\$449.10	Keperra Sanctuary	Keperra	9.0%
RSL Care	Bongaree	\$448.33	Fig Tree	Murrumba Downs	8.9%
Sunset Ridge	Zilzie	\$442.12	Eaglemount	Mackay	5.2%
Fig Tree	Murrumba Downs	\$432.66	Amity Gardens	Ashmore	4.9%
Buderim Gardens	Buderim	\$427.45	Noosa Waters	Noosa	2.9%
Baycrest	Hervey Bay	\$424.97	Hibiscus Nambour	Nambour	2.8%
Bellcarra	Caloundra	\$422.24	Carlyle Gardens	Mackay	-1.1%
Carlyle Gardens	Mackay	\$408.30			
Palm View	Mackay	\$403.00			
Peregian Springs	Peregian	\$387.60			
Cooloola Waters	Tin Can Bay	\$378.70			
Wondall Gardens	Manly West	\$373.90			
Argyle Gardens	Avoca	\$364.35			
Hibiscus Nambour	Nambour	\$356.35			
North Lakes	North Lakes	\$320.05			
Bellflower	Sippy Downs	\$304.75			
AVEO Amity Gardens	Ashmore	\$281.00			
Amity Gardens	Ashmore	\$281.00			

Email requests for advice or assistance

Most requests for advice or assistance generate a written reply and may lead to protracted discussions and meetings. The Association's initial response will generally be to speak directly to the contact, to verify the circumstances. Therefore, please provide a telephone contact number with every enquiry.

Recently overheard, with a sigh

Aaah! It really happens too often in retirement villages that the sensible residents are often outnumbered by the power-hungry and the apathetic.

ARQRV Committee Members' Contact Details

President: Les Armstrong
Ph: 5499 6265
pres.arqrv@gmail.com

Vice-President: Joanne Wheeler
Ph: 5478 0443
vp1arqrv@gmail.com
Newsletter: Joanne Wheeler
newsletterarqrv@gmail.com

Vice-President: Mike Fairbairn
Ph: 5440 5683
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Insurance sub-committee
Chair: Mike Fairbairn
comm6arqrv@gmail.com

Secretary: Marie Milner
Ph: 5448 3363
secarqrv@gmail.com

Treasurer: Marie Milner
treasarqrv@gmail.com
Membership Officer and
Membership sub-committee
Chair: Marie Milner
comm2arqrv@gmail.com

Liaison: Steve Murray
Ph: 5448 9217: 0404 805 874
comm10arqrv@gmail.com

Web manager: Peter Smyth
Ph: 5433 9321
web.manager.arqrv@gmail.com
IT Co-ordinator: Peter Smyth
comm3arqrv@gmail.com

Judy Mayfield – Ph. 5433 9380
comm9arqrv@gmail.com

Cathy Nash – Ph. 5341 6074
comm5arqrv@gmail.com

Irene Ford – Ph. 5476 7268
comm11arqrv@gmail.com

Help us by Telling the Government!

Thank you to those members who responded to our request in Newsletter No. 94, that you write to the Government with your complaints. As stated last issue, your Association continually tries to convince the Government, especially in the context of the long-running Review of the Retirement Villages Act, that retirement village living is not all rosy, despite contrary arguments by the Scheme Operators. The Operators, often via the Property Council, dismiss these claims as an exaggeration of the true situation. As our regular Disputes updates in our newsletters demonstrate, many serious complaints are raised, and all too frequently.

In an effort to get the message across to the Government, we now ask members who have had serious complaints about their retirement village living to advise the Minister for Housing & Public Works*, so that the Department realises that there are indeed problems in the Industry: for example, related to bullying, intimidation, exit fees, unreasonable GSC increases ... indeed any problem which adversely affects the resident's entitlements and their chosen lifestyle. Please help your Association to better promote consumer protection, by advising the Government of your problems, sending an information copy to vp1arqrv@gmail.com.

* The Hon. Leanne Enoch MP,
Minister for Housing & Public Works
Email: HousingandPublicworks@ministerial.qld.gov.au
Post: GPO Box 2457, Brisbane Qld 4001

Mail for the ARQRV

Because the Secretary does not live near Buddina, where the Association has its PO Box, all mail addressed to the ARQRV is now forwarded to another post office box nearer to her. Because the mail redirection will only occur for items clearly marked "ARQRV", please ensure that all mail addressed to the Association includes in the first line of the address: "ARQRV".

Other contacts

Membership sub-committee
Data Base: Ann Murray – Ph: 5448 9217
comm7arqrv@gmail.com

Village Constitutions sub-committee
Chair: Ernie Hatton – Ph. 5412 1686
eazy@flexinet.com.au

ARQRV Legal Adviser:
David Wise: Ph: 0412 254 080 dtwise@gmail.com

The Association's Legal Adviser is employed on a retainer, taking requests for opinion from the President or Vice Presidents only. If ARQRV members approach David directly for his advice, they will be charged a fee – at members' rates.