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The Association of Residents of
Queensland Retirement Villages Inc.

OFFICE HOURS MONDAY TUESDAY
THURSDAY FRIDAY - 9AM to 4PM

APRIL / MAY 2017



PRESIDENT'S PONDERINGS

Hi Peter,

By the time that you read this, you should have received the 100th edition of the ARQRV's newsletter in the post. What an achievement for a volunteer-run organisation. This year also marks 25 years of operation as the ARQRV was formed in 1992 under the auspices of the Council of the Ageing (COTA) and on the advice of the then Minister for Consumer Affairs. Much has changed in the retirement living industry since those early days but what remains clear is the on-going need for our Association as an advocate, a support and a voice for residents of retirement villages across Queensland. Our AGM

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for this year is scheduled for 11 September so that will be an opportunity for us to celebrate our 25 years. If any member has any photos, newsletters or information from those early days we would love to hear from you and we may be able to put together a collage of those early days.

- [Membership Form](#)
- [ARQRV Contacts](#)

Many thanks to those members who have renewed their membership for 2017. If you are not a current member we are unable to assist you with any concerns or queries.

A special thank you to all members who included a donation with their subscription, we really appreciate your on-going support of the Association. Our two new members, Barbara and Stephen Irving have previously been members of the ARQRV Committee. Barbara will be giving Mike a hand with mediation and disputes and Stephen is taking on the role of Treasurer, at least to the AGM.

Maybe this will be the year we finally get to see the revised RV Act, we'll let you know when it happens.

Judy President

MIKE'S MEDIATION

This question has been raised by residents in the past and is worthwhile revisiting.

"My neighbor is a smoker and we get his second hand smoke coming over the fence where we are usually sitting. Does the scheme operator owe us a smoke free environment?"

We investigated this last year on behalf of a couple of villages and found there to be no legislation covering smoking in their own home by home owners or tenants. The definition of the home includes private balconies and gardens. In the case of leasehold retirement village units any exclusive use outdoor areas such as rear gardens are considered to be part of the home.

If your PID contains a smoking policy you will probably find that it covers all common property which will preclude residents from smoking (without breaching their lease) on open areas within the village available for the use of all residents and guests. In this case a formal complaint to your village manager should have the practice stopped. If not the disputes procedure starting with a section 154

letter may be followed.

If no policy on tobacco smoking is contained in your PID it may still be possible to persuade your operator to act by using the right (contained in every PID we have seen) to the resident's right to "the peaceful use and enjoyment of their accommodation". As there is not likely to be a differentiation between the community centre and the outdoor areas the smoking policy could reasonably be held to apply equally to both.

If unwanted smoke is coming from the exclusive use area of a neighbour the law provides no remedy. However, by the same token, you are not precluded from causing another equally unpleasant smell being created and going his way when the wind is in the other direction!

Mike Vice President

QLD GOV SMOKING LAWS FOR YOUNG AND OLD

MEMBER LETTER

FROM D Life Member Brisbane North

Dear Peter

At our recent monthly Residents Committee Meeting the following resolution to amend our Constitution was put forward within the required parameters for such an action. However, it was overturned with a majority vote against the motion mainly on the basis that single unit dwellers could be at a disadvantage should every resident be given the opportunity to vote.

The current Constitution section on Voting Eligibility reads as follows:

4.7.1 The following persons are entitled to vote at a Forum Meeting:

- (i) One resident of each accommodation unit, or
- (ii) One former resident of an accommodation unit, who is still paying the whole or a portion of the general services charges as required under RV Act s 104. (RV Act s 133 (1))

The suggested resolution called for each resident and each former resident be allowed to vote and as mentioned the motion was defeated.

In the RV Act S133 (1) it states interalia that either one resident or by special resolution each resident be entitled to vote. However it is considered that something was 'missing' from the resolution in that this change was being

specifically sought to allow all residents to vote at Annual General Meetings and more particularly at the election of officer bearers to the Forum and other resident committees.

Whilst the RV Act is quite specific in the voting requirements and our current Constitution covers that aspect, my query is whether a resident Village Constitution can be amended to cover a specific voting occasion such as the election of office bearers at the AGM? On that basis I request your advice on whether the following additional clause to our Constitution would be in order to put to the residents as a Special Resolution. It would appear to me that the proposed additional clause would not be inconsistent with the Act s128 (2).

“4.7.2

Notwithstanding the requirements in 4.7.1 each of the residents from an accommodation unit or each former resident who is still paying the fees as outlined in 4.7.1 (ii) are entitled to vote at an Annual General Meeting but only on the occasion when a vote is required for the election of office bearers to stand on any resident committee.”It would be greatly appreciated if I could have your thoughts and advice on this matter prior to a formal mention at a future meeting of the General Committee and subsequently the whole Forum.

Kind regards,

D - Life Member of the ARQRV .

Dear D

Your request for guidance in changing the voting eligibility for residents has been passed to me as I deal with Residents Constitutions.

Let me say that this is an issue that cannot be answered simply. I will refer this back to the ARQRV Committee. Advice from the ARQRV Solicitor may be required. How you frame the resolution is, of course, vital. I suggest you think about this a bit more and try to look at all issues where one vote per resident would be fairer.

It should be noted that you indicate that your attempt to change the voting eligibility from one per accommodation unit to one per resident was defeated on a majority vote. You also say that the resolution was within the parameters for such a resolution. Although you refer the RV Act S133 (1) and more specifically to a Special Resolution it appears to me, from your comment re a majority vote, that perhaps the conditions laid down for a Special Resolution were not followed.

Ernie Hatton

The ARQRV Committee met on Monday 10th April and resolved that :-

The Act is specific. Section 133 (1) (a) says "either" (i) or (ii) is to apply. Not a combination of both. Any attempt by residents to implement the policy proposed would therefore be a breach of the Act and be open to challenge via the disputes procedure.

This decision was based on the Legal ruling contained in Mr Philip Godfrey Phillips Vs Edenlea Retirement Village Pty Ltd delivered on 22nd December 2005. Application number VH011-05 heard in Brisbane by Mr J Gallagher refers.

Mike Vice President

[LINK TO QCCTRV Decission](#)

Proposed Budgets - What To Look For

To read the full article, please click on the link below

[What to Look For When Considering a Village Budget Proposal](#)

1. Compare the total of income and general service expenses of the proposed budget to the budget for the previous year.
2. Consider amounts proposed for individual GSC line items.
3. Are there any new line items for an expense on a service that has not been previously provided to residents.
4. Have any line items in the previous years' budget been removed from the budget being considered for the coming year.
5. Does the proposed budget have enough information, by virtue of sufficient break up of line items, or by full explanatory notes, to allow for a fully informed consideration of the budget.

Hilton Conroy

[Latest Correspondence Click Here](#)

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Embedded Network Manager

More Information on Embedded Networks

This article has been prepared in response to queries from an ARQRV member. Our sub-committee member John Scouller sought to clarify the following comment on "Embedded Networks" -

"if the scheme operator went over to an EN" it will not be a case of whether the scheme operator 'goes over'. The village is either an EN or not. An EN is where each villa is wired to a central point and the outside as against separate wiring for each resident as in suburbia."

John Scouller and Hilton Conrad have researched and produced the following information. Follow the link below to our web site.

Hilton Conroy and John Scouller

VILLAGE PHOTO

Send us a photo of your village so that we can share it on this page.

MEMBER LETTER

Letters may require editing due to size and content and will be at the discretion of the Editorial Team.



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VICEROY'S HOUSE

Complimentary Film Preview Tickets

Transmission Films invite you to a special advance preview of VICEROY'S HOUSE.

Here's your chance to see this historical drama before its national release, click here for tickets:

[CLICK HERE FOR TICKETS](#)

The End of an Empire. The Birth of Two Nations. VICEROY'S HOUSE tells the true story of the final months of British rule in India. Viceroy's House in Delhi was the home of the British rulers of India. After 300 years, that rule was coming to an end. For 6 months in 1947, Lord Mountbatten, great grandson of Queen Victoria, assumed the post of the last Viceroy, charged with handing India back to its people. Check out the trailer -

Palace Barracks Cinema	Tuesday	02/05/2017	6:30pm
Event Cinemas Chermside	Wednesday	03/05/2017	6:30pm
Event Cinemas Pacific Fair	Wednesday	03/05/2017	6:30pm
Event Cinemas Indooroopilly	Wednesday	03/05/2017	6:30pm
BCC Cinemas Maroochydore	Wednesday	03/05/2017	6:30pm
Event Cinemas Garden City	Wednesday	03/05/2017	6:30pm

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