

Association of Residents of Queensland Retirement Villages

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NEWSLETTER

“February” 2014

Editorial bits & pieces

Our “February” Newsletter is late, for which we apologise. The Committee has had an unusually heavy workload, and is short-handed.

Two Committee members have resigned: Owen Williams (from Renaissance RV), in December and Bryan Milner (Peregian Springs RR), Treasurer, in February. The Committee accepted, with regret, these resignations and thank Owen and Bryan for their contributions to the work of the Committee, and Owen for continuing as the ARQRV Liaison Officer in his village, and we wish them well. In January, Mike Fairbairn (Noosa Waters RV) was co-opted as a new member, and warmly welcomed. Subsequently, Marie Milner, Membership Officer, offered also to fill the position of Treasurer until such time as someone else takes on one of these two roles. The Committee gratefully accepted Marie’s offer. Vacancies on the Committee hamper our progress – there are nine members carrying the workload of 13. It would be preferable if the Association could attract other members from southern Brisbane or the Gold Coast area (or indeed any Queensland location), bearing in mind that most of the current Committee members are on the Sunshine Coast. The Committee is also investigating conducting meetings by telephone/video link, to enable remote attendance by members farther afield. Committee contact details appear on page 8. If you are interested in filling a vacancy, please email the Secretary.

On Disputes, we have a good news story, and also a worrying apparent change of QCAT (Queensland Civil and Administrative Tribunal) policy; page 7.

There is another good news story, on page 2; the sequel to the Water Rebate “stand-off” with Lend Lease. We thank Lend Lease for their decision in this matter.

In this issue, exceptionally, we have a long article, beginning on page 2, covering different types of Committees in retirement villages, and their varied functions.

Membership renewals are now overdue – the form is at the bottom of page 6. Any membership that remains unpaid at 1st April is deemed to have lapsed and this will be that person’s last Newsletter.

EVERY MEMBER GET A MEMBER!

Update on IT Restructure

Recent focus has been on the membership database, which is integral with the new Website. This is not yet fully operational, with incoming membership renewals and new memberships slowing progress.

Bluedog Web Design, the company doing the restructure, have been reporting to the committee on a regular basis. To summarise progress to date:

- The accounting package (XERO) is operational.
- The document storage facility is complete and awaiting content to be scanned and digitised. This facility will make available all of ARQRV’s archival documents (Tribunal Cases, Minutes, Reports, etc.) to ARQRV members through the website.
- The email distribution facility is operational and will be used for this Newsletter. If you did not receive yours by email please advise Ann Murray, Database Manager (contact details page 8).
- The Website Redesign is still in a development phase. The initial design was reworked and an upgrade is in progress. The next phase (after testing by the IT Group) will be approval of the design by the Committee and then transfer of content and creation of new content.
- The Membership database is in progress. BlueDog, together with the ARQRV Committee, are

committed to achieving the highest level of accuracy that is possible. Consequently, the existing data has been scrutinised carefully so that such things as double-entries or different addresses for the same village are eliminated. In addition, access by Liaison Officers to the database has been refined and this should enable more membership-related questions posed at the Village level to be answered by the Liaison Officer on the spot.

While we cannot yet give a completion date for the IT Restructure, you should continue to visit the Website and look for changes. As soon as the restructure is fully operational, all members with email addresses, and Liaison Officers, will be informed of this.

Water Rebate

Good news from Lend Lease. As already reported, Lend Lease was the only Operator in the relevant South-East Queensland shires that did not pass on the \$80 Government Water Rebate direct to eligible residents in the nine leasehold villages it manages. Rather than passing on a one-off deduction from the next payment of General Service Fee (GSF), which was the agreed arrangement and to which all other Operators conformed, Lend Lease held the funds so as to help reduce the GSF for the current financial year. Thanks to the responses from 738 residents in those villages, Lend Lease has been persuaded to pass on to eligible residents what remained of that rebate, and this was implemented in January 2014. As a consequence, eligible residents are no longer subsidising the GSF for new, non-eligible residents, and the monthly GSF has been adjusted upwards for the remainder of the financial year. Now, nearly twelve months after rebates were paid to other eligible residents in South-East Queensland, Lend Lease residents received theirs. Thank you to those residents who supported the ARQRV effort, and thanks in particular to our Liaison Officers for their invaluable contribution to this exercise.

The Association has since acknowledged the compromise position adopted by Lend Lease, and expressed a desire to work together with Lend Lease to restore harmonious and mutually-beneficial communications.

Committees and all that ...

Committees

The majority of retirement villages in Queensland have one or more committees, each performing different functions. This article seeks to amplify the functions of the various committees and to identify

the applicability of the various Acts to each of these committees. In Queensland there are approximately 320 villages registered with the Department of Housing and Public Works, under the Retirement Villages Act 1999 (Qld.) (RV Act) and, perhaps, the Body Corporate and Community Management Act (BC&CM Act). Where there is a conflict between the two Acts the **RV Act prevails**.

Which Committee has what authority? This can depend on the type of village tenure – whether freehold, leasehold or loan/licence. So let us look first at some of those tenures.

Type of Tenure

1. The first type of tenure is ‘freehold’, often known as ‘strata title’. In this type of tenure, Residents actually own their accommodation Unit in what is called ‘fee simple’. But there is nothing simple about that, as one eventually discovers. Residents are also ‘Lot owners’ and collectively they comprise the ‘Body Corporate’. The security of tenure in freehold villages arises from Residents’ possession of a Certificate of Title issued by the Department of Natural Resources and Mines, Qld. (Land Titles Office).
2. The most common type of tenure is ‘leasehold’, where Residents do not own the Unit in which they reside, but have a 99-year (usually) Lease. Security of tenure is confirmed, under these circumstances, by the registration of that Lease on the Major Registered Plan held at the Land Titles Office.
3. A third type of tenure is ‘loan/licence’, where Residents have neither a Certificate of Title nor a Lease. The security of tenure arises from the entry in the Residence Contract which gives the occupant of that Unit tenure for life.
4. In some freehold villages, there is also a ‘leaseback’ arrangement, whereby the Resident acquires the freehold title; then leases the Unit to the Operator who in turn, usually under a sub-lease arrangement, leases it back to the Resident. We won’t try to explain the ramifications of that, but it is not calculated to benefit the resident. Suffice to say that, to all intents and purposes the Resident becomes a leaseholder.

An important difference between the freehold tenure and leasehold or loan/licence arises during exit. In the freehold situation, the outgoing Resident (Lot owner) will receive the agreed sale price (new Incoming Contribution) from the incoming resident (new Lot owner) and then settle with the Scheme Operator on Exit costs, including costs of sale, legal, reinstatement, etc..

In the leasehold and loan/licence situation, where the Resident's Incoming Contribution is classed as an interest-free loan to the Operator; on departure, the new Incoming Contribution (interest-free loan) is paid to the Operator, who then pays the Exit Entitlement to the outgoing Resident, after deduction of Exit Fees, etc.. In most Contracts, particularly where the Resident will participate in the capital gain, the Exit Entitlement is calculated using the new Incoming Contribution.

Dichotomy between Committees

It is not uncommon for a village to have both freehold tenure and leasehold tenure, which can lead to confusion. For example, there is often conflict, regarding division of responsibilities, between a voluntary Residents' Committee (RC), elected under RV Act s127 (an optional decision made by residents which thus represents all residents in the village); and a Body Corporate Committee (BCC) which is a mandatory requirement under the BC&CM Act, and which represents only freehold Lot owners.

The Residents' Committee, as prescribed in RV Act s129, is authorized to deal with the Scheme Operator on behalf of residents about the day-to-day running of the village and any complaints or proposals raised by the residents. A very important element of this function is the Committee's involvement in development of the General Services Charges Budget.

On the other hand, the BCC is responsible only for development and administration of the Administrative Fund and Sinking Fund Budgets and management of the Body Corporate Insurance. Obviously, this same dichotomy arises in a freehold only village because, inter alia, the village must have an annual General Services Charges Budget to cover costs of providing services outside the Body Corporate's area of responsibility, particularly the Maintenance Reserve Fund (MRF), which funds repair and maintenance of capital items on lots owned by the Scheme Operator; and is separate from the Sinking Fund.

In any registered retirement village, Residents may form a Residents' Committee, in accordance with RV Act s127. Also, as prescribed in RV Act s129, the Residents' Committee's function is to deal with the scheme operator on behalf of Residents about the day-to-day running of the village, and on suggestions and complaints raised by Residents. Only an elected Residents' Committee has this function, which is why the ARQRV strongly advocates the election of a Residents' Committee. Moreover, RV Act ss131 and 132 discuss the convening of meetings of Residents. Section 131, titled 'Annual Meeting', can

only be convened by the Scheme Operator, for the sole purpose of presenting the Annual Audited Financial Statements. A meeting under s132 titled 'Other Meetings' may be convened by either the Scheme Operator or the Residents' Committee. It follows therefore that, unless Residents have elected a Residents' Committee as prescribed under s127, they have no authority to convene a meeting of Residents.

Incorporated Associations

In a number of villages, residents have decided to become an 'Incorporated Association' (IA), under the Associations Incorporation Act; often because it was thought that some sort of legal indemnity was bestowed upon the Committee by such incorporation. That, however, is largely illusory. The ARQRV strongly urges against Incorporation, for several reasons, all of which demonstrate contradictions with the RV Act, the primary retirement village operational document.

First: in an IA, membership is a requirement, and can often imply a membership fee, whereas in a retirement village, an individual's classification as a Resident under RV Act s9 automatically qualifies the individual to participate in all aspects of village life.

Second: in an IA, only Association Members may attend, participate in and vote at meetings convened by that Association, whereas in a retirement village, no Resident can be excluded from a meeting of Residents or be prevented from discussing issues of relevance to Residents because of non-membership of the IA.

Third: significantly, even if every Resident in the village is a member of the IA, and therefore eligible to attend IA meetings, the IA Committee has no authority to address major matters such as development of the General Services Charges Budget, use of facilities, conformity with village rules, and the making, changing and revoking of by-laws.

Fourth: in an IA, every member has a vote, whereas RV Act s133 prescribes that, unless otherwise decided by Special Resolution, Residents are entitled to only one vote per unit.

Fifth: in some villages where incorporation has been adopted, the IA committee attempts to control access to facilities by Residents who are not members of the IA. Such restriction is contrary to the Residence Contract, which allows all Residents to use and enjoy the village's amenities, communal facilities and common areas (the ARQRV has actually encountered

instances where an IA committee member has denied non-member Residents access to the bar!).

Sixth: most importantly, any committee appointed by the IA cannot simply call itself the Residents' Committee. That Committee must be elected by ALL residents, in accordance with RV Act s127. Notwithstanding the fact that many IAs grant automatic membership to all Residents, in an attempt to overcome some of the differences between Residents' entitlements and IA members' entitlements, an individual cannot be required to accept an automatic membership. Consequently, in any village which has undergone incorporation, and does not enjoy 100% membership (and support) from the resident body, the IA perceived authority is to no effect. This latter aspect is particularly important in those villages where the Scheme Operator defers to the IA Committee in preference to the RC. In the majority of villages, Residents raise funds from social activities, raffles, etc., Those funds are, most appropriately, managed and controlled by the group representing Residents because every Resident can participate in the fund-raising activities and is therefore entitled to be involved in the disbursement of these funds. Obviously, this would not be the case in an IA which does not include every Resident.

See why Incorporation is to be avoided?

Body Corporate Committees

Now we come to the even more tricky bit – Body Corporate Committees (BCCs). As stated earlier, Residents (Lot owners) in freehold villages are bound not only by the RV Act but also by the BC&CM Act. That means that, as well as the option to elect a Residents' Committee (RC), under the RV Act, they *must* (not *may*), have a Body Corporate Committee (BCC) (*unless the body corporate has delegated all the functions of a committee to a 'Body Corporate Manager'*). It is important that Residents in freehold villages and, more importantly perhaps, their Committees, both Residents' and Body Corporate, understand their different roles and do not confuse them; one is not subservient to the other – except that, under the RV Act, only the RC can deal with the Operator on behalf of Residents in the day-to-day running of the village. The RV Act, under which retirement villages are operated, recognises only the RC.

As previously noted, BCCs are charged with the management of Body Corporate funds, comprising Administrative Fund and Sinking Fund. Those Funds, and what they are spent on, are not the business of the Residents' Committee. But even in

freehold villages, the facilities and amenities are nearly always on lots owned by the village owner or operator. And it is in respect of those facilities etc. that even freeholders are required to pay, as are leaseholders, into a General Services Fund and a Maintenance Reserve Fund. These Funds, and the way in which they are spent, are certainly the business of all Residents, including freeholders wearing their Residents' hats as distinct from their Lot owners' hats. But they are not the business of BCCs.

Social Committees

Most village Residents also have a Social committee: it can be a sub-committee of the Residents' Committee or it can be a separately elected Committee. Many people on Social Committees, which usually do very good work organizing and running functions, do not wish to be subservient to some other Committee and that is understandable. However, the RV Act offers protection only for the elected Residents' Committee and its sub-committees. Other committees operate outside the RV Act and, for example, are not entitled to deal with the Scheme Operator on behalf of Residents in the day-to-day running of the village, which includes social activities (where there is no social committee, the manager will usually endeavor to arrange social functions as an element of running the village).

All Committees

It must be borne in mind that all Committees, whatever their function, are subservient to those who elected them – the Residents. That must be so; committees are not autonomous bodies and a law unto themselves, they are not decision-making bodies and must seek and follow decisions made by the Residents at a properly convened meeting of Residents.

In registered retirement villages, all resident groups other than the RC elected under s127 and the mandatory BCC should be formed as sub-committees of the Residents' Committee, thus providing legislative cover for their activities as intended under RV Act s127 (3)(b).

Email requests for advice or assistance

Most contacts with the Association requesting advice or assistance generate a written reply and often 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.

Let us Walk you through your PID

The conditions and lifestyle particular to retirement village living are governed by two documents: the Retirement Villages Act 1999 (Qld.) and each Resident's Residence Contract, which includes the Public Information Document (PID), Form 1 current at the time the Resident's Application to Reside is accepted.

A large number of queries that the ARQRV receives from members need reference to the PID for answers. In order to help members find what they need to know, we outline below the general layout of your PID.

The Residence Contract, as defined in RV Act s10, must accurately define the Resident's exclusive right to reside in an accommodation Unit, and must include the respective rights and obligations of that Resident and the Scheme Operator. Additionally, the Contract must contain or incorporate the details of a Service Agreement between the Resident and the Scheme Operator for the provision of General Services and Personal Services.

The PID forms part of the Residence Contract, and provides details about the retirement village scheme and must follow the form and content prescribed in RV Act s74.

Because Operators frequently update the PID to reflect lifestyle changes in the village, most villages

have many variations of the PID. The positioning of information within the PID is left to the Operator's discretion; however, the format is generally standard, with five parts as outlined here from a sample PID:

Part 1 contains generic information related to retirement village living, including general village information, residents' rights and obligations, residents' contributions, and information on the resale process and dispute resolution.

Part 2 deals specifically with the Village and the number of completed accommodation Units and usually includes data on available facilities, and, in a developing village, information on proposed construction of additional units and facilities: it may also include Insurance information.

Part 3 contains details of the particular Accommodation Unit chosen by the Resident.

Part 4 usually specifies available Accommodation Units and types of tenure.

Part 5 contains funding information, including details of Capital Replacement Fund, Maintenance Reserve Fund and General Services Charges, and deals with Dispute Resolution processes.

RV Act s37 prescribes that the PID forms part of the Residence Contract and this contractual information is usually provided to Residents as Attachments or enclosures within the PID booklet.

The ARQRV Quarterly Newsletter is available by email.

You are urged to receive your copy electronically:

it will reach you earlier, and it will save costs for your Association.

Please give the email address clearly on the Membership Renewal form on the reverse.

Annual Membership Fees Are Now Overdue

NOTE that the membership year is January to December

Please complete the form on the reverse and pass it, with your subscription, to your Village Liaison Officer, or post the payment and renewal form to:

**ARQRV Membership
PO Box 1361
Buddina QLD 4575**

Alternatively, you may deposit into the ARQRV bank account as listed below.

Please be sure to forward the receipt and renewal form to the Membership Officer, as above. If you do not do this, it will not be known that you have paid.

Bank of Queensland

BSB 124001
A/C 20511301

Commonwealth Bank

BSB 064162
A/C 10062890

Pensioner Subsidies

For a number of years, the ARQRV has been concerned about the injustice in the system whereby pensioners living in retirement villages are not receiving either the Pensioner Rates Subsidy or the South-East Queensland Pensioner Water Subsidy.

The Association has raised this inequity again, writing to each of the relevant Ministers seeking their assistance in rectifying these inadequacies. No pensioner in Queensland should be penalised because he or she lives in a retirement village. That, however, is the current situation – ‘justified’ on the basis that because the village is owned by a commercial business, its Residents do not qualify for such subsidies. Retiree pensioners classified as a commercial business! Where is the logic in that?

It is encouraging to note that the Parliamentary Committee reviewing the Retirement Villages Act recently recommended that the Minister ask relevant authorities to investigate whether these subsidies can be extended to include pensioner Residents of retirement villages.

The ARQRV, in support of its requests, quoted precedents of some other benefits that have been extended to retirement village Residents, and

presented strong arguments supporting the request. A follow-up report on this can be expected next Newsletter.

Membership Renewal

Membership renewals are now overdue. If you do not renew by 1st April, your membership will lapse. So don't wait any longer!

Details of how to renew are given on page 5, and on the form below. Please complete the form and follow the payment instructions. Thank you!

It is preferable that you renew through your Liaison Officer. However, you can also pay direct into either of the Association's bank accounts. If you adopt this latter method, please send, with the renewal form, a copy of the deposit slip or details of date and time the deposit was made and into which account. If we do not have that information, we cannot know that YOU have made that payment.

Life Membership Certificates

We are making progress with the backlog of issuing Life Membership Certificates, and again apologise to those of you who have not yet received yours.

APPLICATION FOR ARQRV MEMBERSHIP / RENEWAL

Please pass the completed form to your ARQRV Liaison Officer or post it with your cheque to:
ARQRV Membership, PO Box 1361, Buddina QLD 4575

Alternatively, you may deposit into one of the ARQRV bank accounts listed below.
Please be sure to forward the receipt and renewal form to the Membership Officer, as above.
If you do not do this, it will not be known that you have paid.

Bank of Queensland

BSB 124001 A/C 20511301

Commonwealth Bank

BSB 064162 A/C 10062890

Annual Subscription = \$20 per Calendar Year – 1st January to 31st December –

Lifetime Membership = \$125

Please tick: Renewal New Member Life Membership Newsletter by Email

Name/Names:	
Villa/Unit No:	Village Name:
Full Address:	
Postcode:	Phone No:
Email Address: (please check accuracy)	
Can you help with a donation? All donations gratefully accepted - Thank You Amount \$	
I/We apply to join / renew membership of the Association of Residents of Queensland Retirement Villages (Inc.)	
Signature:.....	Signature:.....

Disputes Update

First, a good news story: an email received on 20th February 2014:

Hello members of the ARQRV Committee,

I am writing to convey my appreciation of the assistance that the ARQRV have given me in my long running dispute with the Scheme Operators of North Lakes Retirement Resort.

Especially I wish to thank (the President) who has given excellent advice from the beginning of this dispute, including providing representation at Mediation in April 2013 and a Compulsory Conference in February.

At this Conference the Scheme Operator agreed to repay residents surplus funds in excess of \$186,000, accumulated over a number of years and that had not been carried forward and taken into account as required by the Retirement Villages Act Section 102A.

Again, we thank the ARQRV for the assistance given.

*Regards, John and Ngairé McGuinness
29/60 Endeavour Boulevard, North Lakes*

Unfortunately, that good news preceded a somewhat disturbing apparent change in dispute resolution policy regarding the awarding of Costs. Recently, there have been two instances of Costs being awarded against the Appellant. The first, an amount of \$9,000, arose from an Operator's Appeal to the Supreme Court against the ARQRV success at QCAT Appeals level, in *Ash v ARH*. Although further argument could continue on this matter, a subsequent Application would proceed to the High Court, which would require Special Leave to Appeal, and the Association would incur considerable expense doing so. The following comments on this case appeared in the *Queensland Law Reporter* dated 6 December 2013: "*The issue before the Court of Appeal in this matter was one of general importance to persons associated with retirement villages in Queensland; both residents and operators alike. The resolution of the issue required a construction of the Retirement Villages Act ("the RVA"). That Act challenges as one of the most clumsily drafted pieces of legislation of all time. It is presently under review by the State Parliament and it is likely to be dramatically amended, if not repealed, in the near future. For that reason it is not proposed that this decision of the Court of Appeal will be reported in the Queensland Reports. However, because the decision is a matter of general importance and affects the operation of a large industry it is noted here.* (ARQRV underlining.)

The second Cost Award followed dismissal, on a procedural error, of OCL 106-12, in that the Applicant was not a member of the First Party, as required by RV Act s154. The Cost Award, in the amount of \$2,000, is the first penalty ever awarded

against an unsuccessful Party in an Other Civil Lists Tribunal Case and is, in general terms, contrary to the QCAT Act, which does not, in essence, support the award of costs to either Party. Whilst the Committee is of the view that this Decision was unreasonable, the Applicant is reluctant to appeal the Decision because of the cost involved and the time and effort required to prepare the case.

Nonetheless, the Committee is examining this apparent change of policy, and will be reviewing the Association's approach to Dispute Resolution. Whether coincidence or not, subsequent to the Retirement Village Association being subsumed by the Property Council of Australia (PC), the position of the consumer – the resident – appears to have been seriously degraded, with the PC flexing more muscle and influence against the rights of the consumer. The Association will continue to pursue the argument with the PC and other Industry entities that, for a viable Industry, consumer protection must be enshrined in the Act and respected by Operators. Moreover, all stakeholders must accept the premise that a viable Industry proceeds in tandem with improved consumer protection.

Retirement Villages Act – Update on the Review of the Review

The Ministerial Working Party reviewing the RV Act has completed this task, and produced a comprehensive Outcomes Report which is currently with the Minister's staff. Further to the Report, a small number of additional submissions were received and the Working Party will now reconvene to discuss these new matters. However, it is not expected that this additional meeting will delay the Minister's decision on the Outcomes Report. The Review of the RV Act reaffirmed the common view within the Industry that the legislation is very complex and open to varying interpretations. In recognising these limitations, the Minister has encouraged Working Party Members to continue reviewing the Act. Additionally, the Minister has agreed to consult Working Party Members during the drafting of Amendments arising from the Review.

QCAT Act Review

In the May 2013 Newsletter (No. 86), we reported on the ARQRV's submission to the Review of the Queensland Civil and Administrative Tribunal (QCAT) Act. That submission is available on our Website. Interested members are invited to comment. The expectation is that a number of meetings between Industry stakeholders will result in a consolidated Industry viewpoint for consideration by the Attorney-General's Department.

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Other contacts

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eazy@flexinet.com.au

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

EVERY MEMBER GET A MEMBER!

Village Residents' Constitutions

From time to time, the ARQRV Committee receives enquiries about a 'Village Residents' Constitution'. The Retirement Villages Act, section 128, allows for residents to adopt a Constitution, although it is not compulsory. In some villages, Residents may only require a set of 'standing orders' by which to govern procedures at meetings, which is of course a very important feature of any Constitution. Composing Constitutions can be a tricky business so the ARQRV has set up a sub-committee which is developing a 'model' Constitution, with 'guidelines'. Where it has seemed advantageous, reference is given in these documents to appropriate sections of the relevant Act.

The object has been to include matters which, in a retirement village context, really need to be featured and other, optional, features which may be preferred by Residents of some villages but not by others. It is not our function to dictate what Residents should do, so it is left to Residents (initially their Residents' Committee, for submission to Residents for adoption) to decide which of the optional matters they wish to include or exclude. We have been conscious, in our endeavours, of the laws regarding meetings in Australia, as written about by the late Sir Percy Ernest Joske, an eminent Australian jurist and authority on the subject. We have also been guided by the writings of Nicholas Renton, also an authority on 'meetings'. This model Constitution is simply that: somewhere to start, or something against which to measure an existing Constitution. We may hope but do not expect it to be perfect, and are always happy to advise or suggest variations to suit particular circumstances.

The Retirement Villages Act refers to a Residents' Constitution, to which the Residents' Committee must conform. That does not mean that it is a Committee Constitution, which would be preposterous (because a constitution governs only those people in its title and what is needed goes well beyond how the RC does its job). Put simply, when a Residents' Constitution has been adopted by Residents as a whole, all Residents, including those on the Residents' Committee, must abide by it. The Residents' Committee is not an autonomous body able to make its own rules. Importantly, as written by Joske: "A committee has no authority save that delegated to it by those who appointed it." So, a Residents' Committee, charged as it is under s129 of the Act with representing the interests of Residents, must obviously seek the views of Residents; and Residents must make their views known, not just elect a Committee and leave them to it.

This model Constitution will soon be available and we invite our ARQRV Liaison Officers and other interested residents to request a copy.

Should you be considering drawing up a Constitution or amending an existing one, if you would like any comments or advice from the ARQRV, do not hesitate to contact Ernie Hatton, co-opted Chairman of the Village Constitutions sub-committee; contact details on this page.