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**eCONNECT**

May 2019



The Association of Residents of Queensland Retirement Villages is the voice of residents in the Queensland retirement village industry.

**President's Ponderings**

## BCC Project

It has been a busy time with the final push to ensure we have visited as many villages as possible as part of the Building Consumer Confidence Initiative that Government funded. Angela Jordan and Ray Jordan, the Project Officers employed by the project, have just completed a visit to Hervey Bay and Bundaberg and Jan Sullivan (Admin and Membership officer) and I are heading to Townsville and Mackay for the week of 27 May. These are likely to be our last visits to the northern regions because when the project finishes it is unlikely that we will have the funds to do more. However, I remain hopeful that if membership increases significantly we will have more available money to travel to regional areas.



## Social Media Campaign

As part of the funding we received we have been able to contract a marketing company to run a Facebook and social media campaign for us in the hope of recruiting more members. Look out for this which will commence in early June, also check out the short videos that will soon be added to our website.

## Freehold villages

We were pleased to be advised by the Dept. of Housing & Public Works that the Regulations governing the 18 months buy-back clause have been amended and approved to ensure that freehold villas in a retirement village are included. This is now legislated and will also be retrospective as is the case with all accommodation units within a village. Check out the Fact Sheets on our website for more information [www.arqrv.org.au](http://www.arqrv.org.au)

## Residents Committee Manual

Over 135 Residents Committee Manuals have been distributed to villages, one is available free to each village, ARQRV members or not, and several individual members have purchased their own copy, which can only be purchased by members. The feedback has been extremely positive with some Committees also purchasing additional copies for their library or to be made available for all residents. This is a great way to let residents know what a committee does and what they are responsible for and may encourage more residents to volunteer.

## Annual General Meeting (AGM)

I am pleased to advise that our AGM will be held at Fitzy's in Loganholme on Thursday 12 September. and it is likely that Minister

de Brenni will be attending. Mark the date in your diary. There will be more information in the coming months. At the AGM, we will again be voting for our Committee. Whilst most current members are standing for re-election it is important that we recruit new members so that as someone does leave there are still people with experience to keep the organisation going. Please feel free to call me if you would like more information about joining the ARQRV committee.

*Judy Mayfield*

President

**ARQRV regularly visits retirement villages** to inform residents about recent changes to the *Retirement Village Act 1999*. We also inform residents about the benefits of belonging to our association. **If you would like ARQRV to visit your village**, please contact ARQRV on **0437 906 074** to arrange a suitable date and time.



## **PRICE CORRECTION for Changing Recorded Leaseholders**

In the previous issue of eConnect, it was stated in an article about **Changing Recorded Leaseholders** that David Wise, the solicitor that ARQRV uses, would handle this process for ARQRV members for a cost of \$352 (including GST).

It has since been realised that the Department of Natural Resources, Mines and Energy now charge only \$35 for

registering the change, not \$187. (David's fee quoted in the article was based on this old fee).

Therefore, the total fee would only be \$200 (including GST) for David Wise to handle the process of changing recorded leaseholders on behalf of ARQRV members.



## SAVE THE DATE - AGM 12th SEPTEMBER 2019

The ARQRV Annual General Meeting will be held on Thursday 12th September 2019 at Fitzzy's Loganholme, Bryants Road and Pacific Highway Loganholme. Further details will be advertised closer to the date.

## Committee Catchup - May 2019

This section of the newsletter will provide a summary of what happened at the previous committee meeting. We invite feedback that is relevant to the items we discussed, if it adds to our considerations. Please do not contact us if you want to criticise "you only add to the problem if you are not part of the solution".



**This is a summary of the business discussed at the committee meeting held on 20th May 2019**

## **Presidents Report**

Judy Mayfield that she has received a request from Minister de Brenni asking if there was a possibility to change date of AGM to 12 September as he is keen to attend. We have been able to change our booking at Fitzy's and the other guest speaker is also able to make the change.

Membership renewals – it has been acknowledged that having memberships due on 1 January is problematic both in terms of administration, as the office closes over Christmas, and because of the extra financial costs to members at an expensive time of the year. It was agreed to ask members to vote at the AGM to change annual membership due date to 1 March. This will be widely circulated to all members if approved.

## **Admin & Membership report**

11 New Life members, 1 upgrade to Life membership, 24 new annual members A few people have moved out of their village. Unknown deposits remain at \$200

## **Treasurer's Report**

John Rae has been investigating ARQRV responsibilities for collecting GST. We should have been paying GST on membership fees since we registered for GST in July 2015. Our new book keeper brought this to our attention and on investigation we have an outstanding debt to the ATO of \$38,140. We are able to pay this when our term deposit matures but an adjustment will need to happen to our YTD profit. This means we will be forced to raise our fees from next year to cover GST costs - further discussion by the committee

## **Website & Information Technology Report**

Catalyst Directions have almost finished the videos that will be embedded into our website. As part of the BCC project we will shortly be launching a Facebook and social media campaign to attract more members. It is important we remain a strong voice for residents and more members will show Government that we are relevant in their considerations of retirement villages.

The new data base will be trialed next week. No changes to the current data base will be made until we are satisfied that the new one is fully functioning.

## **Mediation (Tabled in Confidence)**

Both Mike Fairbairn's and Barbara Irving's mediation reports were tabled and discussed.

## MSO Update

The final Gathering for Membership Support Officers only (formerly Liaison Officers) will be held on 11th June. This is being run as a catch-up for those who were unable to attend a Gathering when it was held in their local area.

## Building Consumer Confidence (BCC) Project

Ray Jordan continues to work on *Guidelines for Village Managers working with Residents Committees*. When completed, the draft will be approved by the Qld Retirement Village Council (Scheme Operators) prior to it being available for purchase by Village Managers. We believe it is a good companion publication to the Residents Committee Manual as it spells out exactly what Village Managers need to do to comply with the RV Act when working with residents' committees.

The BCC project comes to an end on 30 June, however, there will need to be on-going updates to our website and Manuals and the production of new Fact Sheets as the Amendments to the RV Act continue to roll out. The Department have advised that we may keep any surplus funds as at 30 June to enable our work in this area to continue.

## General Business

Information has been received from the Dept Housing & Public Works on the approved update to Regulation, to include freehold accommodation units in the 18 months buy back clause of the RV Act.

Judy Mayfield discussed whether members of the Committee are standing for re-election next year. Many agreed that they were, but it is important that new members are recruited for the committee as current members will not remain indefinitely. Having experienced members on the committee as others resign makes good business sense. Particularly important is the need to recruit someone to work with Mike Fairbairn in Mediation and Disputes. Mike carries the largest workload in this area and would like to have someone to work alongside him to learn and understand the process so that when he is ready to retire, a successor is already in place. Ideally the person would have some knowledge of contracts and contractual responsibilities as well as experience in mediation and negotiation.

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## ***The Residents Committee Manual is now available!!!***

Every village which has a residents committee or is considering establishing a residents committee, is invited to apply for a **free** copy.

Residents of a village may purchase additional copies, if they decide to do so at a residents meeting. Additional copies of the manual are \$35 which covers printing, binding and postage.

ARQRV members may purchase their own copy at a cost of \$35.

Feedback on the manual has been very positive with some comments so far...

*"I feel it is a fine piece of work which will be of great benefit and guidance to Committees. My congratulations to all those who have evidently worked hard to produce the Manual". Barry, Eaglemount Retirement Resort*

*"I am sure that it will prove most valuable to our committee". Diane, Cleveland Manor RV*

To date, ARQRV has distributed over 135 copies of the manual !!

Updates will be provided to manual holders where contact details including an email address is registered with the ARQRV office.



## Mike's Mediation

### **Financial disadvantage to departing residents.**

Retirement villages are permitted to have a minimum entry age for new residents (this is permitted under age discrimination legislation only when the village is registered as a retirement village). Legislation however does not set this minimum age.

But does a departing resident have any say regarding who buys the right to reside in their former accommodation unit?

What if the departing resident has a contract with a minimum entry age qualification and the scheme operator raises it by five or ten years for a new resident. Does the outgoing resident have any say in this change? (I will leave the reader to speculate on why a scheme operator would actively seek to sell their units to older applicants!)

Returning to the question, logic might say that a departing resident has no say in the fact that the operator has chosen to raise the entry age for applicants to buy the right to reside in his or her former unit because, once the departing resident has ended their contract, the operator is free to on-sell to whoever they choose provided the law is not broken.

But ... the departing resident could claim financial disadvantage in that a substantial number of potential new residents may

have been excluded from the pool of possible new residents and that the sale of the unit, by taking longer than would otherwise have been the case, causes him or her to be financially disadvantaged.

As far as I can see neither the Retirement Villages Act nor the former resident's contract has been breached leaving only consumer legislation available by which to obtain redress. I would welcome anyone better versed in legal matters being able to advise how this (apparently) legal but morally unfair state of affairs could be addressed.

### **Bullying by Village managers.**

Despite the proclamation of Section 134 and 135 of The Retirement Villages Act in November 2017 instances of bullying behaviour by village managers is still being reported. Despite the law it is still happening!

If you have occasion to visit your village manager, and anticipate the matters to be discussed as contentious, you should be sure to have within earshot an independent witness who would be prepared to confirm any such behaviour should it occur. Better still to have the person present at the meeting.

In one case the village manager threatened to thump a resident and, for fear of reprisal, none of the residents playing cards in the next room heard anything despite the reported raised voices! To protect against any such situation, where redress would be difficult because it comes down to one person's word against the other, have a witness present.

### **Section 135 (2) (f) of the Retirement Villages Act.**

Proclaimed in November 2017 the above sub section requires a scheme operator to "within 21 days" give "a complete response to the relevant correspondence". This relates to correspondence received from a resident.

If submitting correspondence to which you require a response firstly ensure that you are able to prove when the correspondence was received by the scheme operator (hand into the village office with a witness present) and second have your final paragraph in your letter read **"I look forward to your response in conformity with Section 135 (2) (f) of the retirement Villages Act"**.

Unfortunately, no penalty points attach to this failure to respond leaving the only possible action available being to report the breach of the Act to the Department of Housing and Public Works for inclusion in their record of the scheme operator concerned.



Would you like a free ARQRV carry bag?

If you recruit a **new** ARQRV member, both you and the new member will receive a **free ARQRV carry bag**. Be sure to let us know the new membership was referred by you.

## CPI INCREASE FOR 2019

Section 106 of the *Retirement Villages Act 1999* states that the Scheme Operator must not increase the total of general services charges for a financial year by more than CPI percentage increase for the financial year without the approval of residents. The index used is the Brisbane All Groups Index as measured by the Australian Bureau of Statistics. For the fiscal year, the CPI is that for the March quarter immediately prior to the commencement of the year.

This is an important measure that endeavours to provide some control over the setting of the general services charge which is based upon a budget that the Scheme Operator is required to prepare prior to each year. Certain expenses are exempt from the calculation over which the Scheme Operator has no control. For example, general council rates, taxes, insurance premiums and wages.

For the 2019/20 year, the CPI increase is measured by the increase from the March quarter 2018 to March quarter 2019. This increase is 1.5 percent.

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## **Some common ARQRV Questions & Answers.....**

### **What is the cost of ARQRV membership?**

Membership can be purchased as Annual or Life memberships.

New Annual Membership costs \$50. Renewals of annual membership are due on or before 31 December each year at a cost of \$30.

A once off Life Membership costs \$250

### **Why do I have to pay the joining fee again after 31 March as I am old?**

This predicament is a common occurrence within our membership base as we are a retirement village association dealing with elderly residents.

You may not be aware that we are a member based organization run by volunteer committee members and

solely reliant on our membership payments and the odd kind donation.

We forward numerous instructions at the end of each year via our Connect Newsletter and eConnect emails reminding all our annual members that the due date for renewals is 31 December each year.

For some time now, on top of that we do allow a period of 3 months extra to pay these annual renewals and so do accept payments up until 31 March each year for that particular year's membership.

But members who have not paid on or before 31 December, become unfinancial until memberships are fully paid. Meaning, if an unfinancial member needs assistance, we cannot help them, just like RACQ and Health Fund insurance.

In addition and most importantly, the constitution of ARQRV which was agreed to by a majority of members, does not allow for any leeway in relation to payment of fees.

### **What do I get for my membership?**

ARQRV distributes a monthly newsletter by email and a print newsletter three times a year.

We assist in resolving disputes with the village operator via an informal mediation process.

ARQRV will continue to provide support and assistance of financial members to family once a member leave the village.

### **Why can't I get newsletters if I leave my village?**

If a member leaves a retirement village, regardless of their membership status, they are no longer eligible to be a member of ARQRV and therefore will not receive any further correspondence or newsletters from us.

If a Life Member moves back into a registered retirement village after leaving, they will need to be able to prove their Life Member status to have their membership restored, otherwise they will need to re-join ARQRV.

### **What is the cost of the residents committee manual?**

The first copy is free for the village residents committee for use by all residents. Further manuals can be purchased at \$35 each. ARQRV members can also purchase their own copy of the manual for \$35.

ARQRV is also in the process of producing a guideline for scheme operators and managers about residents committees entitled "*Working With Residents Committees*". This Guideline will be available for purchase at a

price yet to be determined.

In addition, ARQRV operate a Help Desk. Costs vary for this assistance depending on the size of the village - \$30 for up to 50 units and continue up to \$90 for over 200 units.

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#### HANDY LINKS:

Please click on the link below to take you directly to that page

[ARQRV Website](#)

[ARQRV Contacts](#)

[GPS Investment Fund Ltd](#)

[Retirement Village Act 1999](#)

[Department of Housing and Public Works](#)

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## ***Residents Committee Help Desk***

### **What is the Help Desk?**

The help desk provides specialist help and advice to residents committees about matters relevant to the of role residents committees. ARQRV has established a portfolio within the association's committee structure which focuses on providing assistance to residents committees.

The help desk compliments the ARQRV Residents Committee Manual.

ARQRV will also advise and assist with the establishment of a residents committee.

### **How does the Help Desk work?**

Fees are paid annually and are based on the number of accommodation units within a village regardless of the number of

ARQRV members. Subscriptions will be valid for 12 months from the date of payment.

| Number of accommodation units | Annual fee |
|-------------------------------|------------|
| Up to 50                      | \$30       |
| 51 to 100                     | \$50       |
| 101 - 200                     | \$70       |
| Over 200                      | \$90       |

**How to subscribe**

To subscribe, you must send a completed Residents Committee Help Desk Sign Up form and payment to the ARQRV office. The form is available on the ARQRV website or from the ARQRV office.



# Bequest Request

The ARQRV is a recognised and respected **not-for-profit organisation**, operating on a **very small budget** and run by volunteers. Its sole source of income is from **modest fees** and small **donations**. Everyday costs continue to erode finances and there is a conscious effort to **keep membership fees low**. To help the Association continue to survive and to assist members who need assistance now and in the future, as many of you have done in the past, you may **consider a bequest in your will**.  
Remember the **benefits to your family** are there long after you are gone.

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