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eCONNECT
April 2020

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



President's Ponderings

What a difficult time we are all living in as the world we know changes on an almost daily basis, and the fear and anxiety around this current pandemic impacts us all in some way.

ARQRV will endeavour to keep you up to date on the happenings that effect people living in a retirement village and will forward on relevant information from both Government and industry.



Whilst we have taken the decision to put all village visits and face to face meetings on hold we will continue to assist you via telephone and email, so don't hesitate to contact us if you need to.

We have also suspended face to face committee meetings and instead we held our March committee meeting as a video conference using Zoom. This was, surprisingly, a very effective way of meeting, so for the next 6 months this is what we will do. It also means that we can get together at short notice and committee members do not have to travel large distances to attend a meeting.

Because of the success of our video conference we are offering residents committees, who have signed up for the Help Desk, the opportunity to request a meeting with relevant members of the ARQRV committee to discuss issues in regard to their role and responsibilities that they want clarified or to assist with development of a Constitution. This will extend to also include Financial Advisory Panels who may like some help with understanding their village budget.

As you may know we were planning to run a number of workshops for committees and finance panels this year but unfortunately the Government have not yet released all the Regulation to support the Amendments and given the impact of the coronavirus pandemic, who knows how long this will be delayed. I doubt it will happen for the coming 20/21 financial year.

If you would like to video conference with us you will need a computer with a microphone and a camera, or a smart phone or

tablet, as well as some basic computer skills to set up Zoom on your computer and navigate the program. Preferably each member of the committee attending should have their own device and log in from their own home. We do have a member of our committee who will assist you over the phone to set up your device. If this is something your committee would be interested in please email or phone me to discuss. Later in the year we will run MSO video conference gatherings in the same way.

We also have plans in place to close the office, if we must, and both Jan and Carol will work from home. If that is the case we may not always be able to send you the resources you require but I am sure Jan will do her best to take home a large supply.

We will continue to send out newsletters, both print and email, as usual. In this edition of eConnect you will find, as always, some interesting articles which I hope will be useful.

If your village has closed down all programs and activities you will find that the ARQRV website also has lots of interesting articles to read www.arqrv.org.au

Stay safe, keep well and enjoy this time of quiet as an opportunity to do those things that give you pleasure: a good book, baking / cooking, a craft or hobby or as I plan to do, sort out all the old family photos that are stored in boxes at the bottom of the cupboard.

Stay safe and healthy.

Judy Mayfield
President ARQRV

Annual Membership Renewals

If your membership renewal was not paid as at 31 March 2020 and in order to remain a member of ARQRV, you will now have to pay a joining fee as well as the annual membership fee, a total of \$57.

Please do not ask for the joining fee to be waived as we have already given all members an extra 3 months free membership when we changed the membership year from 1 March - 28 February each year.

This is a committee decision and not the responsibility of our office staff, please do not abuse them.

ARQRV Website

www.arqrv.org.au

You may be surprised to learn that the ARQRV website has lots of useful information to help you 24/7.

Get a cuppa, fire up your computer and internet, and take a look at what is available. Use the search facility, if you have a specific topic in mind.



The screenshot shows the ARQVR website. At the top is the ARQVR logo and a navigation bar with links: Home, About, Membership, Information, News, and Contact. Below the navigation bar is a large banner image of a smiling woman with the text: "The Association of Residents of Queensland Retirement Villages the voice of residents in the Queensland retirement village industry". Below the banner, there is a section titled "The Book of Wise Moves" with a "Download PDF" button. Further down, there are several smaller sections with images and text, including "What we do", "Watch this short video", "Free Membership Brochure", "How to get help", "Get involved", and "Become a member". Each section has a "Read more" button.

You can even join as a new member or pay your annual membership fee on our website. There is specialised information for new members, residents, residents committees and prospective residents.

Did you know....?

A resident is entitled to ask for access to certain documents held by the scheme operator (operational documents). There are requirements for making the request and in some cases a fee will be applicable. Obviously, before you make a request you should have some actual need to access the document – for example, you have lost your residence contract or public information documents. Read the full article by browsing [Information/Residents/Living in village](#) or by searching for 'operational documents'.

NO PET POLICY

ARQVR recently received an enquiry from a member regarding dogs and cats in villages where a no pets policy is written into resident's contracts to reside.

I responded as follows which response I appreciate may not sit well with many village residents, most particularly our members, who are on opposition to animals in retirement villages. I ask those members to appreciate that the following is an opinion based on my experience.



QUOTE

Your enquiry has been passed to me for further comment as this issue has come to me on several occasions previously relating, as it does, to my disputes and mediation portfolio.

No retirement village operator would dare to discriminate against a blind, deaf or otherwise disabled person being permitted to enter their village because they had need of an assistance dog. The operator would find themselves in court so fast their feet would not touch the ground!

This inability to discriminate has been successfully used by, among others, military veterans who were certified by a medical practitioner as needing a companion or comfort animal.

Predictably other residents have jumped on this bandwagon to the extent that the provision of a doctor's letter confirming the need or advisability for a comfort or companion animal has, to my knowledge, always resulted in the scheme operator declining to act against the resident despite a no pets clause in the

residents contract to reside.

The RV act does not deal with residents being permitted to have pets one way or the other.

It is my opinion that pets will be allowed progressively in retirement villages even those with a no pets clause in their contracts to reside. I am aware of several where the village manager has been instructed to turn the proverbial "blind eye". Other villages advertise themselves as being "pet friendly" and seem to find new residents more easily than villages with "no pets" policies.

The ability to have a pet is a plus selling point so by having a no pets policy, whether enforced or not, may be a disincentive for people to buy into a particular village to the detriment of former residents who need the money tied up in their unit to fund a care bond.

You ask for ARQRV's opinion on the matter. I believe that we will be overtaken by events which have already taken place, like it or not!

I further contend that wise residents will recognise the inevitability of this and make provisions accordingly by asking their scheme operators to include in future resident's contracts controlling clause such as

- Dogs (and cats) must be on a leash while outside the owner's unit but within the village boundaries.*
- Dog (and cat) owners must pick up and dispose of faeces produced by their animal immediately they are deposited on common property within the village.*
- Dogs not permitted in the community centre, pool or barbecue areas.*
- Dogs may not be left alone in accommodation units.*
- The owners of constantly barking dogs which interfere with other residents right to the "quiet enjoyment" of their accommodation units would render the owner resident subject to the provisions of section 136 of the Retirement Villages Act.*

This list could be modified or expanded to suit the needs of a particular village. My apologies if this is not the answer you were looking or hoping for.

UNQUOTE

Michael (Mike) Fairbairn
Vice President

Footnote: *Nothing contained in this quoted letter should be taken to imply that ARQRV will condone a resident having breached their contract to reside.*

HANDY LINKS:

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

[ARQRV Website](#)
[ARQRV Contacts](#)
[Retirement Villages Act 1999](#)
[Department of Housing and Public Works](#)

Understanding Probate - an article of interest to your family

When a loved one passes away, the executor's task of giving effect to the last will can sometimes be complicated and expensive if a bank, nursing home or other institution insists on a grant of probate for the will before they release funds. This may appear onerous but there are very good legal reasons why it is required.

What is a grant of probate?

A grant of probate is a formal order by the Supreme Court confirming that the will is the valid last will of the deceased. It recognises someone's authority (executor) to deal with the estate of a person who has passed away. Probate is sometimes needed before the executor of a deceased estate can take control of and distribute the deceased assets (administer the estate). Each institution which is holding assets of an estate has its own policy as to what amount they will release to an estate without requiring a grant of probate.

A grant of probate allows institutions, including scheme operators of retirement villages, to release funds to the estate without risk of liability. If funds are released based only on the presentation of a will and subsequently it is revealed that there was a later will leaving the funds to someone else, they can be sued by the beneficiaries under the later will.

To clarify, an application for a grant of probate is not obligatory for an estate to be administered. A grant is only taken out where an institution requires it before assets of a deceased person are released to the estate. The work for an application for a grant of probate may be completed by a solicitor independent to the executor administering the estate of the deceased.

Grant of probate and payment of exit entitlements

A residence contract may or may not contain conditions which require a grant of probate to be issued and shown to the scheme operator before the exit entitlement is paid to the estate of a deceased former resident.

Regardless of what a residence contract states, the *Retirement Villages Act 1999* now entitles the scheme operator to be shown a grant of probate of a deceased former resident before an exit entitlement is paid to the estate where, for any reason, a grant of probate is issued.

Of note, the Act does not limit the entitlement of the scheme operator, to only where the residence contract was terminated by the death of the resident but rather, it applies to all cases where the former resident dies before an exit entitlement is paid. For example, the resident may have terminated the right to reside and vacated the unit but died before the right to reside is resold.

It is expected that the practice of sighting grants of probate will become more common within the industry due to the protection it provides the scheme operator.

How much does grant of probate usually cost?

Obtaining a grant of probate is a technical process that usually requires the assistance of a solicitor. The fees charged by solicitors for obtaining a grant of probate vary greatly, some charge more than \$3000 plus outlays. The outlays involved in obtaining probate are approximately \$900, which includes about \$162 for advertising and \$723 for the Supreme Court filing fees.

ARQRV members discount probate service

ARQRV's solicitor, David Wise, has introduced a discount probate service for ARQRV members (or the family of ARQRV members dealing with exit entitlements).

David's fee for a straightforward application for a member's estate, is \$1650 incl. GST plus usual outlays. He will also assist with getting the Supreme Court filing fee reduced to about \$130 where the executor holds a suitable pension concession card.

Contact David Wise solicitor

Email – dtwise@gmail.com

Phone – 0412 254 080.



For further information on the Coronavirus pandemic, updates and advice, please visit the [Australian Government](#) website or [Queensland Health](#) website.

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