

ARQRV CONNECT

ISSUE 113

FEBRUARY 2021

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



Presidents' Ponderings

Welcome to 2021, I do hope that you all enjoyed spending time with friends or family over the Christmas period.

As we start the new year COVID is still with us, thankfully Australia does not have the ever increasing numbers of people affected as other countries but we still have restrictions that impact our lives. At ARQRV we will not recommence village visits for the time being. We are keeping a list of villages that would like us to visit this year, so if you are interested please let us know and we will advise you as soon as we are able to do so.

You will see that **membership renewals are due on 1st March**, please find all the details later in this newsletter. You have up until 30th March to make your payment. **Remember, if you are a life member you do not need to renew your membership.**

There seems to be on-going confusion about our Committee Help Desk, to clarify this we are changing the name to **Residents Committee Support Desk**. This is an optional package that can be taken out by a Residents Committee (cost depends on size of the village) and is for the sole purpose of assisting the committee to understand their role and provide assistance on the running of the committee. It does not entitle every resident in the village to seek help from us, residents still need their own individual membership to be able to contact us.



Judy Mayfield

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There is little else for me to report. The ARQRV committee will have its first meeting on February and meetings with the Department started in January. We continue to deal with questions and concerns of members, many of the current problems, usually raised by a family member, are focused on payment of the exit entitlement when the accommodation unit is sold. It is important that family members understand the terms of your contract, every village is different, it is a useful discussion to have so that they understand the fees and charges that are payable. Selling a retirement village unit is not the same as selling a property in the suburbs. Remember, if your membership is current at the time of your death or when you move into high care, we will continue to assist your family until a settlement is received by the former resident or their appointed representative.

Best wishes for a happy and safe 2021

Judy Mayfield
President ARQRV

Special Resolutions

The need for a scheme operator or a Residents' Committee to obtain the agreement of residents to pursue a particular course of action by means of a Special Resolution vote of residents has been frequently overlooked, sometimes manipulated and even so often deliberately ignored by Scheme Operators and Residents' Committees.

In line with the Qld Retirement Village Act it is necessary for a Special Resolution vote to be taken (and a positive 75% majority obtained) by the scheme operator or the residents' committee before any of the following may be implemented.

- To change the voting protocol (to one vote per resident from one vote per accommodation unit).
- To change or revoke by laws.
- To remove a member of the Residents' Committee.
- To increase an insurance excess
- To approve a new service to residents by the scheme operator
- To increase a particular section of the village budget above the consumer price index.
- To implement a capital improvement requested by residents.



The necessary procedure to hold a Special Resolution vote is as follows.

- Each resident must receive a written notice of the Resolution at least 21 days prior to the date set for the meeting.
- The resolution must be clearly stated and not be ambiguous or open to being misunderstood.
- To pass the resolution requires at least 75% of those voting (who are entitled to vote) to do so positively.
- Residents may vote:
 - * In person
 - * By proxy at the meeting
 - * By postal vote
 - * By Power of Attorney
- Any person, except the Scheme Operator or a member of their staff, may be appointed to vote by proxy on behalf of a resident who is entitled to vote but is unable to be present at the meeting. The authority must be given on the appropriately proxy signed form issued for only that particular meeting.
- No person may hold more than two proxy votes.
- The Scheme Operator must provide as secure locked container for postal votes kept in the common area for at least 24 hours prior to the designated time for the meeting to be held.

Please note the ARQRV Residents Committee Manual provides templates for proxy forms and other relevant information concerning special resolution voting.

Annual Membership Renewals

Your ANNUAL MEMBERSHIP renewal payment is due on 1st March.

If membership fees are not paid by 30 March, your membership lapses and you are not entitled to member services.

NOTE – LIFE MEMBERS DO NOT NEED TO RENEW MEMBERSHIP. (If you are unsure if you are a Life Member or Annual Member, please phone Jan or Carol at the office to check before making a payment).

You can renew your ANNUAL membership in the following ways:-

Online - preferred method

Visit ARQRV website and follow the links and instructions from Membership at the top of the home page. A credit card and an email address are required.

Village Membership Support Officer

Contact your village Membership Support Officer (if your village has one) who will assist.

Use the form opposite

Forward the completed form to the office and make the payment.

Payment may be made by:

- sending a cheque or money order; or

- direct deposit into ARQRV bank account– ensure you include a good reference (name, unit number and village e.g. Jones59Bayview)

DO NOT SEND CASH through the mail.

By telephone

Phone the office on and speak with Jan or Carol to pay by credit card. Please have your credit card handy.

Website www.arqrv.org.au

Postal address PO Box 5057, Brendale Qld 4500

Telephone 0429 098 417

ARQRV bank account

BSB 124-001

Account Number 20511301

Thank you for your continuing support!!

ARQRV MEMBERSHIP RENEWAL		
<input type="checkbox"/>	Renewing Annual Membership \$35	(LIFE MEMBERS DO NOT NEED TO RENEW)
<input type="checkbox"/>	Donation <i>thank you!</i>	
VILLAGE NAME: _____		
Address: _____		
Suburb: _____		Postcode: _____
APPLICANT(S) DETAILS		
UNIT OR VILLA NUMBER: _____		
Resident 1		
First name: _____		Last name: _____
Resident 2		
First name: _____		Last name: _____
Phone no.: _____		Mobile no.: _____
Email: _____		
Signature: _____		
Date: _____		
METHOD OF PAYMENT - PLEASE DO NOT POST CASH		
<input type="checkbox"/>	Payment to Membership Support Officer	<input type="checkbox"/> Cheque (enclosed)
<input type="checkbox"/>	Bank Deposit	<input type="checkbox"/> Credit Card (Ph. 0429 098 417)
POST TO: ARQRV Inc. P.O. BOX 5057 BRENDALÉ QLD 4500		

Thank you to a retiring village Membership Support Officer

It is with regret that ARQRV accepted the resignation of Allan Williams as Membership Support Officer (MSO) at Freedom Village in Morayfield. Allan shared his story with us and I wanted to share it with you.

Allan is 94, 95 next month and has been in the MSO role since 2014. The village was called Tall Trees when Allan and his wife, Joyce, moved there from Ipswich in 2012. Their main reason for moving was the time it took the ambulance to get to their home at Ipswich and so they started looking around at villages and found the one that best suited their needs and they still love it there.

Allan and Joyce have been married for 70 years and this was the very first Christmas they have been apart as Joyce was too ill to be released from Caboolture Hospital.

Allan and Joyce have 2 daughters, one lives in Gympie and the other in Ipswich, plus a son who lives in Inglewood, west of Warwick. They have 19 grandchildren and 12 great-grandchildren, the oldest of which is 19.

Allan spoke of a letter he wrote that he hands out to new residents which has all the village and local information on one part and the other part is all about ARQRV. Even though the manager has told him that they are happy to give out all information, Allan was not confident that everything would be included and continued to make sure new residents got the information.

There are a lot of Level 2 residents in the village, many with dementia and Allan advises that it will be difficult to get new ARQRV members due to the resident's age and diminished capabilities. He is quite insistent that he will not walk away from the MSO role completely until his replacement is found, he said that he continued in the MSO role as ARQRV had been very helpful at his village.

A remarkable man. Thank you Allan for the work and support you have given to ARQRV over many years, we are truly grateful. Best wishes to you and your wife, may you have many more years together, you deserve to retire from ARQRV after your years of service.

Judy Mayfield

On behalf of the ARQRV committee and the members in your village



David Wise Solicitor

Discounted advice for ARQRV members

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PO Box 120 Woombye QLD 4559



Contact ARQRV

GENERAL ENQUIRIES

enquiries@arqrv.org.au

Phone: 0437 906 074

MEMBERSHIP ENQUIRIES

membership@arqrv.org.au

Phone: 0429 098 417

POSTAL ADDRESS

PO Box 5057

Brendale Qld 4500

WEBSITE ADDRESS

www.arqrv.org.au

Rights of Former Residents

The article below was written by Joanne, some of you may remember her as she was associated with ARQRV for many years. This is a good example of how an operator may have procedures in place that are not in line with the requirements of the Retirement Village Act. It is a timely reminder about keeping yourself informed of your rights, also remember that each operator will have their own procedures, if you or your family have any queries you can contact ARQRV, the Department of Communities and Housing or a solicitor who understands the RV Act.

Thanks to Joanne for providing this information.

From a former ARQRV Secretary, Vice President and President:

Recently I helped the son of a former retirement village resident in arranging his mother's departure from her village. Let's not try to identify the operator – what matters is that ARQRV members know their rights in this situation, and that they tell their representatives.

The Operator outlined the procedures followed, which rang loud alarm bells for me.

They do not reinstate/refurbish a vacant unit until they have a "Reservation" (unit is shown to prospective buyers as is).

RV Act s.59(2)(a) requires this work to be completed within 90 days after vacation date (date keys handed in).

They require bond clean, garden tidy and pest control at former resident's expense.

Residence Contract (Cl. 22.5) says Operator will pay reinstatement costs, (except for accelerated wear and tear, de-liberate damage, etc.); and Cl. 22.1 defines reinstatement work, listing items, including cleaning and pest control.

Agreed Resale Value and Reinstatement Costs – after the Regional Refurbishment Team have inspected the unit, the paperwork for these agreements may take up to 8 weeks to be sent to former resident or representative (FR), for signature.

RV Act ss.60(1) and 58(1) require these matters to be negotiated in good faith and if possible agreed in writing within 30 days after termination date (i.e. 60 days after notice of intention to vacate).

Son's reaction: *I don't understand how an operator can expect to sell a place that has had no work done to make it at least presentable. No one's interests are served by that approach.*

Having failed to convince the management that they were in breach of the Act in terms of timing and in breach of the Contract in terms of charges, I sought help from the Department of Housing & Public Works (H&PW) in Brisbane. If they agreed with my concerns, would they please contact the Operator and get them to do the right thing.

H&PW quickly contacted the Operator, who provided the documents in good time for negotiation and signing before the deadline, and also recognized that the reinstatement must be completed within 90 days of keys hand-over. Further, they did not charge for bond clean or pest control.

For cluey former residents or their representatives, there is helpful information on the H&PW web site, at: <https://www.qld.gov.au/housing/buying-owning-home/housing-options-in-retirement/retirement-villages/leaving-the-retirement-village> This link gives information on: Rights and responsibilities; Condition of unit when leaving; Reselling a unit and Rights of a spouse or relative. Presumably it is always kept up to date.

The important thing is to know your rights not only as a resident, but also as a former resident, and to ensure that, when you leave your village, you or your representative(s) won't be disadvantaged by an operator who is not respecting the legislation.

With best wishes to all members, and especially those who remember me.

Joanne Wheeler

Retirement Village Insurance

In its simplest sense, insurance can be defined as many people contributing a (comparatively) small amount of money to create a larger fund from which each can claim the cost of a more costly predefined event should they have the misfortune to experience such an event. The amount of each individual's contribution to the fund would be calculated on the considered likelihood (risk) and size (amount) of a claim on the fund being made.



In the context of Retirement Villages, scheme operators are required to insure the village (but not the resident's contents) (Refer to *Retirement Villages Act 1999* s109 and s110).

Many scheme operators will spread the insurance risk (and exercise bulk buying power simultaneously) by taking out policies which cover an entire group of villages, which will keep the premiums lower and thus achieve benefits for residents. This cost is one that the operator charges to the residents on a cost recovery basis via their General Service Charge. Because scheme operators have no control over insurance premiums this charge to residents is included under s107 (c) of the Act where increases are not controlled by the Consumer Price Index (CPI).

Over the last two years Australia has witnessed widespread bush fires and horrendous weather events that have resulted in many more insurance claims than predicted by the insurance industry. As insurance premiums are calculated on the likelihood of claims eventuating, premiums for upcoming years have increased, some substantially.

ARQRV has had several member enquiries about increased insurance premiums being found in upcoming budgets. As explained above, the increases result from the claims experience in the past year or so.

Some scheme operators have proposed increasing their village insurance policy excess (first amount payable by the insured) as a means of containing the premium. This works well so long as there are no claims. In the event of a claim, the excess would come from either the village General Service Fund (GSF) or its Maintenance Reserve Fund (MRF). If the claim is less than the insurance excess the GSF or MRF may bear the entire cost of the claim therefore it being pointless claiming and affecting the village claim record, on which subsequent premiums would most likely be calculated, in the process. As residents are responsible for contributing to the GSF and MRF it follows that, for the insurance policy excess, the residents effectively "self-insure". Any insurance claims made would likely increase the premium for the following year and therefore each resident's contribution. **This scenario and risk should be considered when thinking about any proposal by your scheme operator to reduce insurance premiums by increasing the excess payable by the insured.**

Another thorny issue is that of solar panels. If the scheme operator has fitted them, they are the property of the scheme operator, and as such they are responsible for insuring them. An issue arises when the resident fits them, and they become a fixture to the building as to who is responsible to insure them. Building insurance may not cover property not belonging to the scheme operator. Most Contents insurance policies may not cover solar panels because, being fixed to the unit, they deem them to be part of the property. There are two means of getting round this dilemma.

- 1) change your contents insurer (ask ARQRV for a recommendation) or
- 2) donate your solar panels to the scheme operator making them responsible to insure being aware that you could remain contractually responsible to "maintain, repair and replace" the panels.

This article is intended to be general in nature and may differ in circumstances where members have obligations written into their contracts to reside. In these circumstances' appropriate advice should be sought.