

Association of Residents of Queensland Retirement Villages (Inc)

President
Les Armstrong
PO Box 1361
Buddina
Qld. 4575
Ph. 5493 7112
vi.lesarm38@bigpond.com



www.villagers.org.au

Secretary
Grace Rutherford
PO Box 1361
Buddina
Qld. 4575
Ph. 5444 4690

No 65

NEWSLETTER

November 2007

Message from our new President

With our new committee we can anticipate a continuation of the support provided by the retiring committee. A special mention here for our immediate past president, Phil Phillips, sort of retired to the back benches but in fact to a role as Ambassador-at-Large, in which he will use his considerable experience in retirement village matters. With me, he will present the Association's viewpoints to the Minister, Office of Fair Trading and all the major players in the industry.

I am optimistic that with a balanced and well-reasoned approach most issues can be resolved without resorting to expensive legal processes. However, co-operation does not mean capitulation. Be assured that our stance will remain consistent with the Objects of the Association; that is, unequivocally aligned with the interests of our members.

So far as Tribunal cases are concerned, past successes have always entailed a need to prepare cases for Tribunal hearing. In the past, Bill Runciman & Phil Phillips performed this onerous task, with little, if any, specialised legal assistance and not without cost to their health. The demise of the 'Bill & Phil team' dictates a change of approach to dispute resolution.

As we reported to the AGM, we have retained the services of a young but well qualified lawyer, David Wise B.Sc.,LLB(Hons). David was introduced by the President to Association members at the AGM.

We found it necessary to make this appointment for two reasons. Firstly, the number of Tribunal cases on hand had increased to the extent that we had eleven cases at various stages on the way to either pre-Tribunal settlement or Tribunal hearing; we still have eight. Secondly, some of the cases were complicated to the extent that we simply had to have legal assistance; there is no point in going to the Tribunal with cases which are of doubtful legal merit (as distinct from moral merit) however well argued they might be.

Our New Committee

As duly elected at the AGM held on the 24th September last

Position & Names	Village	SUBURB
President: Les Armstrong	Living Choice	KAWANA ISLAND
Secretary: Grace Rutherford	Buderim Gardens	BUDERIM
Treasurer: Noel Lowrie	Living Choice	KAWANA ISLAND
Vice Presidents: John Sullivan Ken Corkhill	Caloundra Allora Gardens	CALOUNDRA MAROOCHYDORE
Members: John Elliot Eddie Dukes Lindsay Norgrove Wal Berwick Phil Phillips	Allora Gardens Buderim Gardens Buderim Gardens Fraser Shores 2 Edenlea	MAROOCHYDORE BUDERIM BUDERIM PIALBA BUDERIM

We have passed the stage where we could pursue the objectives of this Association with only the expertise of amateurs, however dedicated. Arraigned against us are the village operators, their lobby group, Aged Care Queensland, and their lawyers. We have to take them on and in the past have done so without fear, but increasingly we need legal assistance.

David Wise has taken on several cases for us and his expertise has already become apparent. In some cases it is a question of knowing when to settle for half a loaf instead of going after the whole loaf and ending up with no bread at all. As we all surely appreciate, legal advice and representation does not come for free and although we are certainly not being exorbitantly charged, we do have to pay for it and so we need the necessary funds. The Association is not broke, we have always been very frugal with your money and, as our audited accounts reveal, we have just over a hundred thousand dollars, but we can't live off our fat for very long.

Where an issue we are contesting is of wide implication, it is conceivable that we may, occasionally, have to appear in a Court higher than the Commercial & Consumer Tribunal and that could be costly. But we don't want to have to back away simply for want of funds. That's what operators would like us to do but if we are to pursue our legitimate aspirations and rights we must be able to do so effectively. With all that in mind, a motion was put to and carried by the AGM to increase our annual subscription from \$10 to \$15. Although it is a substantial increase in percentage terms it is still actually a very low annual subscription. We don't believe members will see this as an excessive increase. So, this seems an appropriate time to remind ourselves that subscriptions for 2008 can be paid at any time now. New subscriptions paid now will cover the whole of 2008 and the remainder of this year. Life financial membership will not change, it remains at \$100.

Les Armstrong **President**

Change of Minister

The Hon. Margaret Keech, our government Minister for the past few years, has been moved to a new portfolio, Minister for Child Safety and Minister for Women. As Minister for Fair Trading she showed us, more than any predecessor, a willingness to listen to and act upon our grievances and we wish her well in her new portfolio. So, rather like our Presidency, off with the old and on with the new! The new being the Hon Kerry Shine, Attorney General. The Office of Fair Trading still has responsibility for retirement villages but that office is now back in the Ministry of Justice portfolio, where it was ten years ago.

Transport Facilities

For the Elderly

In our last Newsletter we drew attention to inexpensive taxi services which existed on the Sunshine Coast. We are pleased to be able to announce that there is a similar service being trialled by 'Translink', a State Government enterprise, in the Chermside district of Brisbane, operating between the Westfield shopping centre

and the Prince Charles Hospital. For more information and a brochure, visit www.translink.com.au or telephone 13 12 30.

Banking

In our last newsletter we gave notice of a special resolution to be put to the AGM regarding our ability to bank other than with the CBA. The resolution was duly passed and it remains for the necessary amendment to be registered with the Office of Fair Trading.

Parliamentary Committee

In our August Newsletter we referred to a Federal Parliamentary Committee on Constitutional and Legal Affairs and its Inquiry into the topic "Older people and the Law". This Association made a submission and our then President, Phil Phillips, appeared before the Inquiry.

Submissions were made by many people, some from retirement village residents, including from a couple of our members, Jean Lehmann from Buderim Gardens Village and Keith Topham, of Immanuel Gardens. There was also a notable contribution from Mr Bob Harvie, a former Treasurer of the NSW

Residents' Association.

The Committee has now released its report on the topic and it can be found on their website: <www.aph.gov.au/house/committee/laca/oldpeople/report.htm> For the section on retirement villages go to Chapter 7 of the Report. One of the points made by your Association was that the whole of the retirement village industry, particularly residence contracts, should be investigated by the Australian Competition & Consumer Commission. A recommendation made by the Standing Committee was: "*The Committee recommends that the ACCC, together with state and territory fair trading offices or their equivalents, form a working party to examine the nature of retirement village contracts, with a view to improving consumer protection provisions.*"

Another issue raised by your Association was the great diversity of contracts, even within a single village. A recommendation of the standing committee was: "*The Committee recommends that the Standing Committee of Attorneys-General examine ways in which greater harmonisation of legislation regarding retirement villages could be pursued.*"

This Inquiry into 'Older people and the Law' was sorely needed and we encourage you to read it.

Copies of your Association's submission to the Inquiry and Chapter 7 of the Report can be obtained, without cost, by 'phoning Phil Phillips on 5476 8706.

It's that time again !

On the other side of this part of the page you will find a form for renewing your ARQRV Membership for 2008. The same form can also be used to introduce new members.

Just \$15 a Unit will cover you through to the end of 2008.

******* LIAISON OFFICERS *******

**If you have an e-mail address, up to date info on members in your Village can be obtained from David Waterhouse
yeomanoz@westnet.com.au**

Whether or not anything concrete will result from the work of the inquiry into older people and the law remains to be seen. Your Association will not now simply sit back and wait; to the extent possible we shall agitate for action on the Inquiry's recommendations. Of course, owners and their lobby groups, Aged Care Queensland and the Retirement Villages Association, will do their best to thwart those recommendations, as is evident from the latter's submissions to the Inquiry in a somewhat lame defence of their mind boggling and unconscionable residence contracts.

ARQRV Accounts 2006/07

The Audited accounts of the Association for the Financial year 2006/2007 revealed a surplus of income over expenditure of \$24,282.32. This, however, was after taking into account a reimbursement from our Solicitors of \$13,462.08 as a result of costs having been allowed in connection with Legal proceedings in the previous year. Therefore the true surplus for the year was \$11,820.24. This shows an improvement of \$3,734.95 over the surplus for the previous financial year.

An excellent result, in great part due to the efforts of Phil Phillips, who personally represented Association members in many Tribunal Hearings; thus reducing the need to employ Legal assistance.

Termites

Most housing accommodation Units built in recent years have a stainless steel termite barrier called 'Termimesh' installed. With this sort of barrier it is not usually necessary for regular chemical treatment. Nevertheless, we do know of a village where management, through their ignorance of the subject of termite proofing, proposed continuing chemical treatment. Only the questioning by a resident prevented thousands of dollars being charged to their Maintenance Reserve Fund. It would be wise to check on the termite prevention situation in your own village. For any sort of building information, the authority to consult is the Queensland Building Services Authority.

Baby Boomers

We have referred before to the so called 'baby boomers' who will soon be beginning to retire and some of whom will no doubt go into retirement villages. Scheme operators, especially the big players who are buying up villages all around Australia, expect to take advantage of what they see as the affluence of that demographic group. They may get their fingers burnt a bit because in fact that group may not be as well off as the village operators (and others looking to relieve them of their affluence) believe.

There has been a very comprehensive survey done by the Australia Institute which makes interesting reading. You can read it on, or download it from, the Institute's web-site at <www.tai.org.au/downloads/DP89>. Indeed, there are many issues on that web-site which make interesting reading for those who seek to be well informed.

Surpluses and Deficits

We are continually hearing about significant surpluses and deficits being carried forward as at the end of June 2007, with scheme operators citing the new Section 102A.

That Section has to be read as a whole and the whole did not operate until 1st January 2007. So, in our view, the surplus and deficit provision cannot be applied until the end of the 2007/2008 year. And it cannot then be applied to surpluses and deficits accrued at 30 June 2007.

If your scheme operator is insisting on such carrying forward, let us know. We may have to take some spirited action.

Quarterly Statements

It is time scheme operators produced quarterly statements in accordance with Section 112 of the Act. In essence it means that, upon request, he must produce : Statements of income and expenditure in relation to (1) the capital replacement fund; (2) the maintenance reserve fund; and (3) the expenditure involved in providing each general service. The statement need not be audited but must be in a form which is capable of being audited. That means total expenditure is not enough; it must be itemised. Furthermore, the Residents Committee can require a document which explains the expenditure for each general service and an explanation of any expenditure that varies from the budgeted expenditure. Demand such explanations.

SENIORS LEGAL & SUPPORT SERVICE

The Queensland Government is funding, through the Dept of Communities, free assistance for Seniors concerned about; Elder abuse, Mistreatment or Financial Exploitation.

Service Centres are located in:

Brisbane 3254 1811; Cairns 4031 7179;
Hervey Bay 4124 6863; Toowoomba 4616 9700;
& Townsville 4721 5511

Telephone any of these Centres for a comprehensive Brochure on the range of services available

Please cut out this ARQRV Membership/Renewal form

And hand it with your subscription to the Liason Officer of your Village or post it to the
ARQRV Secretary, PO Box 1361, Buddina, Qld 4575

Membership is **\$15 per unit.** Please tick either **RENEWAL** _____ or **NEW MEMBER** _____

Your Name or Names _____

Unit number _____ Village name _____

Full address _____

E-mail address (please check accuracy) _____

Your subscription of \$15.00 Plus a voluntary donation of \$ Total \$

Or for \$100 you can have LIFE Membership

I/We apply to join the Association of Residents of Queensland Retirement Villages

Signature