

# **RRVV**

## **NEWSLETTER**

**Issue No 39 September 2015**

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**Residents of Retirement Villages Victoria Inc.**  
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### **PRESIDENT'S REPORT**

Well Spring is sprung, the blossoms are out and the daffodils are in the shops. It has been a freezing cold winter with lots of coughs and colds and sniffles all round.

Your RRVV committee has been busy the last 3 months and we have welcomed two new members to the committee a bio is included in this newsletter and I would like to take this opportunity to welcome them to the fold.

The Retirement Living lobby group consisting of Resident of Retirement Villages (RRVV,) Housing Action for the Aged (HAAG), Council of the Aged (COTA) and Consumer Action Law Centre (CALC), met with Consumer Affairs Victoria and the Retirement Village Association from the Property Council at a round table meeting to discuss the possibility of the removal of the 6 month Aged Care Bond Rule, (i.e. if your home has not sold within 6 months the owner must pay the bond for your aged care if you are entering an aged care facility). The Owners argue that it is not fair that they have the burden of cost with this rule if the unit does not sell. We argue that it is not fair they have control over the sale of the unit unlike an ordinary house sale outside of a village. Even if we utilise an independent real estate agent the owners still have the ultimate say about who goes in the village and when. Is has been held over for the moment, the Minister has made no decision to date.

RRVV had a very good meeting with Minister Natalie Hutchins with regards to the differential rates for retirement villages. She will certainly consider it and has invited RRVV and ALL retirement villages to make a submission to the 'Fair Go' rates campaign to have our request differential rates for retirement villages put into the upcoming review of the Local Government Act. This would force the councils to give

retirement villages the fair differential rates and gives us recourse to take them to VCAT if they to refuse. These details will be going up on the website soon, so please take this opportunity for your voice to be heard again. The Minister acknowledged the huge petition you all contributed to and said it was a mighty effort. RRVV's thanks go to you for making it possible.

You will all have received a Survey with your newsletter; this was created by National Ageing Research Institute (NARI) and financed by RRVV. We ask you to read it carefully and fill it in and return to NARI in the reply paid envelope. It is an independent and completely anonymous survey and no one will ever know from whom it comes but the information is very important. PLEASE FILL IT IN, this is just as important as the rates petition. Information from this survey can get things changed for the good of this industry. We all love our village life, it is a

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great lifestyle but some things need adjusting to make it better. We deserve it after all.

I am looking forward to seeing as many of you as possible at our AGM in October. Till then take care, keep well and keep warm.

*Lesley Menzies*  
*President*

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## **A NEW RRVV COMMITTEE MEMBER, GAIL HENDERSON - INTRODUCES HERSELF (or something like that)**

I am delighted to have been accepted as a member of the RRVV Committee.

I have been a resident of a Retirement Village for just on 12 months. I have now absorbed and accepted the environment of a retirement village and have settled well.

I am 70 years old and have three "adult children". (The English language is awkward when describing offspring all of whom are now in their 40s).

I have been single for 25 years and therefore fit closely the demographic of most retirement villages whose residents are predominately single women.

Mine is a common story. I was privileged to be able to be at home for 20 years concentrating on raising our children. Divorce forced me into paid employment for the next 20 years.

Firstly I was working with people who had been diagnosed with Multiple Sclerosis and then I worked for the Commonwealth Department of Health and Ageing as it was then for a further 12 years.

It is my experience in the Department that I hope equips me to contribute to the RRVV Committee. For the first few years of my employment with the Department I was a Complaints Officer dealing with complaints against Residential Aged Care facilities brought by residents and their families.

Following that I was a member of a team which assessed Community Aged Care service

deliverers against the Department's Standards.

The retirement village sector has boomed lately and I believe will continue to do so as the so-called "baby boomers" age. The retirement village expansion has outstripped the legislation under which the sector is managed.

RRVV is very aware of the lack of regulation within the retirement village sector and constantly lobbies governments to bring about change in order to strengthen the rights of retirement village residents.

I look forward to "learning the ropes" with the help of the other RRVV Committee Members.

### **\*\* ADVERTISEMENT \*\***

## **DO YOU WANT TO BE HEARD?**

RRVV Inc in conjunction with the National Ageing Research Institute would like to know about your experiences.

### **RETIREMENT VILLAGE RESIDENTS' EXPERIENCES OF CONTRACTS AND OUTCOMES SURVEY (ANONYMOUS)**

Whether good or bad, information about your contract experiences and interactions with Managers and Owners will help RRVV improve services for you as a member.

Please fill out the enclosed anonymous survey or alternatively fill out the online survey:

[https://www.surveymonkey.com/r/NARI\\_RRVV\\_Resident\\_Survey](https://www.surveymonkey.com/r/NARI_RRVV_Resident_Survey)

Your responses are completely anonymous.

Please complete and return in the reply paid envelope to:

Dr Sue Malta, NARI, PO Box 2027, Royal Melbourne Hospital, VIC 3050

If you have any questions, please contact Sue Malta on 83872614 or email: [s.malta@nari.unimelb.edu.au](mailto:s.malta@nari.unimelb.edu.au)

## Residents Retirement Villages Victoria

GPO Box 215  
Melbourne 3001

### Profit & Loss Statement

1/07/2014 through 30/06/2015

9/07/2015  
10:27:37 AM

4-0000	Income		
4-1000	Subscriptions	49,859.80	
4-1500	Donations	1,657.00	
4-2500	Interest	3,711.82	
	Total Income		55,228.62
5-0000	Cost of Sales		
	Gross Profit		55,228.62
6-0000	Expenses		
6-1000	Administration Expenses		
6-1030	Computer program	1,088.00	
6-1050	General Office Expenses	104.30	
6-1080	Office Remuneration	7,950.20	
6-1081	Office Travel	550.00	
	Total Administration Expenses		9,692.50
6-1100	Advertising		769.32
6-1300	Bank Credit Card Charges		83.00
6-1400	Committee Members Expenses		
6-1410	Attendance Seminars	943.00	
6-1420	Sundry Office Expenses	299.10	
6-1430	Catering	8.40	
6-1440	Telephone	522.96	
6-1450	Travel & Car Expenses	3,912.90	
	Total Committee Members Expenses		5,686.36
6-1500	Forums & Presentations		
6-1510	RLO Meeting	312.00	
6-1520	Rates Justice Campaign	185.70	
6-1530	Geelong Forum	1,241.00	
6-1540	Questionnaire NARI	4,000.00	
	Total Forums & Presentations		5,738.70
6-1800	Insurance		1,276.03
6-1850	Internet		180.00
6-1900	Subscriptions		400.00
6-2000	Legal Fees		200.00
6-2100	Newsletters - printing		8,239.00
6-2120	Newsletters - materials		50.49
6-2140	Newsletters - distribution		3,078.14
6-2160	Printing		407.00
6-2300	Postage		338.09
6-2400	Rents		
6-2430	P.O. Box	403.00	
6-2450	Meeting Rooms	549.50	
	Total Rents		952.50
6-2500	Employment Expenses		
6-2520	Superannuation	624.06	
6-2540	Workers Compensation	204.60	
	Total Employment Expenses		828.66
6-2600	Telephone		82.85
6-2700	Web Site		
6-2750	Hosting	30.00	
	Total Web Site		30.00
	Total Expenses		38,032.64
	Surplus / (Deficit)		17,195.98

## Residents Retirement Villages Victoria

GPO Box 215  
Melbourne 3001

### Balance Sheet As of June 2015

9/07/2015  
2:11:51 PM

<b>Assets</b>		
Current Assets		
Cash On Hand		
Bendigo 633-000 126922012	8,231.37	
Petty Cash	100.00	
Total Cash On Hand	8,331.37	
Savings Funds		
Term Deposit #1 - 26/12/15	70,000.00	
Term Deposit #3 23/07/15	25,000.00	
Term Deposit #4 10/08/15	23,000.00	
Total Savings Funds	118,000.00	
Total Current Assets	126,331.37	
<b>Total Assets</b>		<b>126,331.37</b>
<b>Liabilities</b>		
Current Liabilities		
Deferred Income		
Prepaid Life Subscriptions	34,250.00	
P/d Member Subs - 2016	8,891.00	
Total Deferred Income	43,141.00	
Total Current Liabilities	43,141.00	
Long Term Liabilities		
Provision Legal Expenses	2,000.00	
Total Long Term Liabilities	2,000.00	
<b>Total Liabilities</b>		<b>45,141.00</b>
<b>Net Assets</b>		<b>81,190.37</b>
<b>Equity</b>		
Retained Earnings	5,906.43	
Current Year Surplus	17,195.98	
Historical Balancing	58,087.96	
<b>Total Equity</b>		<b>81,190.37</b>

## CONFLICTS BETWEEN THE RETIREMENT VILLAGES ACT AND YOUR CONTRACT

### Frequently asked questions

1. Are terms in a residence contract (typically a Lease) that purport to constrain the operation of a residents' committee valid? For example:

a. Naming the residents' committee the Residents Advisory Committee or the like (i.e. suggesting the committee's role is solely to give advice, in some cases only when requested).

b. Giving the operator the right to nominate members of the committee, or requiring the committee to accept a representative of the operator attending meetings of the committee.

2. Are terms in a residence contract that purport to deal with matters that are of the nature of a by-law valid? For example:

a. Reserving to the operator the right to set and amend the pet policy.

b. Reserving to the operator the right to frame by-law proposals put to a meeting of residents.

### Residents' Committees

#### 1. Non Owners Corporation Villages

The contract might refer to the residents' committee by a name such as 'The Residents Advisory Committee' but the residents' committee need not adopt that name nor does such a name alter the powers of the committee under the Act.

Section 36 of the Act empowers residents to elect a residents' committee, which would preclude contractual provisions that allow non-residents to nominate members.

In our view, it would be contrary to the purpose of Section 36 to allow the owner or manager to participate in committee meetings, except



by invitation, a position the contract could not overcome.

## **2. Owners Corporation Villages**

The position is a little more complex if your village has an Owners Corporation and the operator owns lots in the village.

The Village Manager as a personal representative of the operator could stand for election to the owner's corporation committee. Similarly, an ordinary lot owner who is a committee member of the owner's corporation could grant a proxy to the Village Manager.

It is our view that Section 36(8) of the Retirement Villages Act does not allow the operator or its representatives to attend meetings where the owner's corporation is acting as the residents committee, unless invited.

### **By-laws**

In our view, 'pet policy' would be a 'by-law' as defined in the Retirement Villages Act. Therefore, if you entered into the contract containing the 'pet policy' provision or the like before 8 June 1987, Sections 37(2) and (4) of the Act operate so that a special resolution of a residents' meeting may revoke or alter the policy.

If you entered into the contract after 8 June 1987, Sections 37(2) and (5) operate so that the provision would not take effect unless and until ratified by a special resolution of a residents' meeting.

Notwithstanding what is in the contract, a meeting of residents could, by special resolution, adopt a different pet policy as a by-law and, at a subsequent meeting, revoke or alter that by-law. Such by-laws are binding on the operator.

The name does not matter. If the content of a Village rule or Village Guideline meets the definition given in the Act, it's a by-law

### **Caution**

RRVVs views do not constitute legal advice. If you cannot resolve an apparent conflict between your contract and the Retirement Villages Act through negotiation, you should contact a solicitor, perhaps one listed on the RRVV website at <http://residentsofretirementvillagesvic.org.au/services/>

Legal advice can be expensive. As an alternative you might consider filing a formal complaint and asking for mediation. Consumer Affairs Victoria and the Dispute Settlement Centre of Victoria offer free mediation service.

A contract dispute is a dispute between you and the operator. Your Village Manager is the operator's local representative, but not necessarily the best person to deal with such a dispute. RRVV suggests it might be in your best interests and those of the Village Manager to negotiate directly with the operator.

*Lawrie Robertson  
Committee Member*

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## **A PERSONAL PERSPECTIVE**

I lived alone - distant from family.

I made a big decision - I moved interstate.

I still live alone - distant from my family no longer.

I inspected a unit in a retirement village in my new state – called "The Beehive".

It was exactly what I wanted.

I read the sales contract - O dear - how draconian - how worrying.

I showed the sales contract to my solicitor -  
*O dear - how draconian - how worrying she said.*

I showed the sales contract to my brother who is a retired Banker - *O dear - how draconian - how worrying he said.*

I cogitated.

I changed my mind.

I inspected the unit again.

I changed my mind.

I finally decided to buy into The Beehive.

I came to the conclusion:

- that although the sales contract was very restrictive,
- that although the Deferred Management payment would be very costly when my unit was resold,
- that although the monthly costs were very high
- with just a little bit of good will
- with just a little bit of commonsense
- with just a little bit of clear communication all would be well.

I moved into The Beehive.

Initially I felt like a fish out of water. There were rules both written and unwritten. I felt a sense of isolation within a community in which I knew no one.

- Then a lovely, kind neighbour showed me the ropes so to speak.
- Then smiling faces welcomed me as I met other residents at the lift – at the rubbish room.
- Then there was the delight in setting up my unit, establishing a balcony garden, enjoying the peace and quiet.

I was settling in - very slowly, very quietly.

I decided to attend a Residents' Meeting.

I walked into the meeting room - such buzzing - such anticipation - such conversation. The Owners' Corporation Committee sat at a table at the front of the room.

- The Village Manager had the microphone.
- The Village Manager kept the microphone all through the meeting.
- The Village Manager dominated the meeting.

Suddenly I realized how this meeting could cope with such a long agenda. This was an information delivery exercise for the Village Manager – not a meeting where issues could be raised, discussed, noted and decided.

One small voice raised a concern and was shouted down by the Village Manager with his microphone and the Committee Chairman joined in. I was appalled. Suddenly all the confidence I had acquired since entering The Beehive shattered.

What was this place? Why did no one stand up for the questioner? What have I done?

- Months have passed since that meeting.
- Months during which I have grown to know my neighbours.
- Months during which I have absorbed some of the history of The Beehive.
- Months during which I have tried to become familiar with the maze of legislation in relation to retirement villages – no easy task.
- Months during which I have become involved in the politics of The Beehive.
- Months during which I have learned that the Retirement Village Sector is big business, big money, big expansion as the Australian population ages.

- Months during which my delight in my unit has deepened.

An important conclusion I have reached is that I need to be involved in the life of The Beehive. I have resolved to educate myself as much as possible about the legal intricacies of retirement villages. I need to ask questions to gather as much information as possible.

Sometimes I have mild concern about my decision to buy into a retirement village however with the passage of time I have a clear view that I made the right decision with my eyes wide open and I am here to stay.

GH

## DIRECT DEPOSITS

The facility to pay your subscription by direct credit to our bank account has been well received. It is possible to pay your membership on the internet, or by going to any bank or post office. It is essential that you enter your name and village on the deposit slip, as without this information we are unable to update your payment and membership. Make sure that the person accepting your payment enters these details.

It is not suitable for new members, as we do not have any records as to where to apply the money that had been received. New members **MUST** complete an application form, and send the details to GPO Box 215, Melbourne, 3001.

Money has been received from the following applicant members that we have not been able to complete. If any of the following people are a resident in your village, please ask them to complete an application form, and send it to GPO Box 215, Melbourne, 3001.

*Geraldine Garnt, Cheryl Thomas, H & H Lasonder*

## DISPUTE RESOLUTION PROCEDURE

Every village is required to have a method of resolving disputes between a resident and another party – be it with the operator, the manager, or another resident.

This instruction is called a “dispute resolution procedure”, and is available to any resident. A copy should be readily available upon request,

with a copy on a notice board or in the village library.

We have had instances where a “firewall” is in place by management making it extremely difficult for a resident to obtain a copy of this procedure

*John Lumley  
Hon Treasurer*

## **ARE YOU COVERED FOR ALL AMBULANCE TRANSPORT?**

**PENSIONERS AND CENTRELINK HEALTH CARE CARD HOLDERS ARE NO LONGER COVERED FOR ALL TRANSPORT BY AMBULANCE.**

Ambulance service is not a free service. Medicare does not cover the cost. The average transport cost is in excess of \$2000.

You should be aware that under changes to the State Concession Scheme if you hold a Centrelink Health Care Card or a Pensioner Concession Card you will only receive free clinically necessary ambulance cover throughout Australia. This coverage will only provide free ambulance transport to the nearest hospital when the transport is deemed an emergency or medically authorised non-emergency transport. You may not be covered for free ambulance transport when

- being transported from a private hospital to another facility;
- being transferred to a private hospital for ongoing care as part of a pre-existing arrangement between a transferring hospital and a private hospital;
- you initiate ambulance transport for example, to receive care from a specified physician or select to be treated at different location.

The simplest way to avoid ambulance costs is to subscribe to Ambulance Victoria for the very modest sum of \$41.30 per person or \$82.60 per family annually. Most private health insurers will refund you this amount when providing a receipt. Check with your insurer for certainty.

For further information you should visit our web site [www.rrvv.org.au](http://www.rrvv.org.au).

His name was Fleming, and he was a poor Scottish farmer. One day, while trying to make a living for his family, he heard a cry for help coming from a nearby bog. He dropped his tools and ran to the bog.

There, mired to his waist in black muck, was a terrified boy, screaming and struggling to free himself. Farmer Fleming saved the lad from what could have been a slow and terrifying death.

The next day, a fancy carriage pulled up to the Scotsman's sparse surroundings. An elegantly dressed nobleman stepped out and introduced himself as the father of the boy Farmer Fleming had saved.

'I want to repay you,' said the nobleman. 'You saved my son's life.'

'No, I can't accept payment for what I did,' the Scottish farmer replied waving off the offer. At that moment, the farmer's own son came to the door of the family hovel.

'Is that your son?' the nobleman asked.

'Yes,' the farmer replied proudly.

'I'll make you a deal. Let me provide him with the level of education my own son will enjoy. If the lad is anything like his father, he'll no doubt grow to be a man we both will be proud of.' And that he did.

Farmer Fleming's son attended the very best schools and in time, graduated from St. Mary's Hospital Medical School in London, and went on to become known throughout the world as the noted Sir Alexander Fleming, the discoverer of Penicillin.

Years afterward, the same nobleman's son who was saved from the bog was stricken with pneumonia. What saved his life this time? Penicillin.

The name of the nobleman? Lord Randolph Churchill ... His son's name? Sir Winston Churchill.

Someone once said:

What goes around comes around.

Work like you don't need the money.

Love like you've never been hurt.

Dance like nobody's watching.

Sing like nobody's listening.

Live like it's Heaven on Earth.

May there always be work for your hands to do;

May your purse always hold a coin or two;

May the sun always shine on your windowpane;

May a rainbow be certain to follow each rain;

May the hand of a friend always be near you;

May God fill your heart with gladness to cheer you.

And may you be in heaven a half hour before the devil knows you're dead.

## **NOTICE OF ANNUAL GENERAL MEETING**

to be held on 22 October at 1.00pm 2015  
at St Michaels Church Hall, cnr McIlwraith and McPherson Sts.  
Princes Hill (Melway 29J12)

### **AGENDA**

1. Open and Welcome
2. Present and Apologies
3. Minutes of Previous Annual General Meeting
4. Presentation of Annual Report by Lesley Menzies
5. Presentation of Treasurers Report by John Lumley.
6. Election of Office Bearers (President, Vice Pres. & Secretary).
7. Election of General Members of Committee
8. Position of Public Officer (current Public Officer is John Lumley).
9. Guest Speaker Audrey Mutton
10. Close of Meeting.

IF YOU WISH TO ATTEND THE RRVV AGM PLEASE CONTACT US ON  
Ph: 9015 8402 OR Email: rrvv.vic@gmail.com

## **EXERCISE FOR PEOPLE OVER 60**

Begin by standing on a comfortable surface, where you have plenty of room at each side.

With a 5-lb potato bag in each hand, extend your arms straight out from your sides and hold them there as long as you can. Try to reach a full minute, and then relax.

Each day you'll find that you can hold this position for just a bit longer.

After a couple of weeks, move up to 10-lb potato bags. Then try 50-lb potato bags and eventually try to get to where you can lift a 100-lb potato bag in each hand and hold your arms straight for more than a full minute. (I'm at this level).

After you feel confident at that level, put a potato in each bag.



## **RLO LUNCHEON 9 NOVEMBER 2015 THE SAVOY TAVERN**

An informal gathering of No. 1 RLO's will be held at The Savoy Tavern, corner of Bourke and Spencer Streets (opposite the southern Cross Railway Station) at 12 noon on Monday November 9 2015.

RRVV will pay for your lunch but drinks will be at your expense.

The purpose of this gathering is two fold, to show our appreciation for all of the hard work that RLO's perform for our organisations and their residents in their respective villages and also to create an opportunity for RLO's to meet with other RLO's

To register for the gathering please phone 0405 418 999 as soon as possible or at least before Friday the 30 October 2015, when final numbers will go to the The Savoy Tavern.

Many thanks.

*Owen Menzies*