

RRVV

NEWSLETTER

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GREAT TURNOUT FOR THE LAUNCH OF RRVV'S ELECTION PLATFORM AT PARLIAMENT HOUSE

The last day of spring was hot and humid, but that did not deter almost 100 members from travelling to Parliament House for morning tea and a meeting with invited politicians. The occasion was the launch of the joint RRVV, Council on the Ageing (COTA), Housing for the Aged Action Group (HAAG) and Consumer Action Law Centre (CALC) election platform.

On Saturday 24 November 2018 Victorians will vote to elect their 59th Parliament, including all 88 seats in the Legislative Assembly and all 40 in the Legislative Council. We went to Parliament house to demonstrate our commitment to reform and to let the parties know the policies we expect them to include in their election platforms.

After morning tea, Gerard Brody of CALC introduced the Minister for Consumer Affairs, The Honourable Marlene Kairouz MP, the Shadow Minister for Consumer Affairs, The Honourable Heidi Victoria and the Green's Consumer Affairs spokesperson, Ms Ellen Sandell. Each addressed the gathering, explained what she had done previously for residents and committed to releasing her party's policies closer to the date of the election. Both the Minister and the Shadow Minister commented on the lengthy process involved in passing laws. The Shadow Minister expressed support for a retirement housing ombudsman or similar independent dispute resolution service. The Greens spokesperson committed to introducing a

private member's bill establishing a retirement housing ombudsman if the Government has not introduced such a bill within 12 months.

The final session of the event was a panel discussion moderated by Gerard Brody. The panel members were Lawrie Robertson (RRVV), Fiona York (HAAG), Barbara Romeril (CALC) and John Lander, a former resident of Veronica Gardens.

Lawrie Robertson spoke of the tendency of Governments to resort to stereotypes about retirees, the need to encourage politicians to recognise that retirement housing residents are a diverse population and the necessity to frame laws accordingly rather than inflict on us one size fits all provisions. He reiterated that residents' priority was to secure an external dispute resolution service providing a binding resolution without having to engage in an adversarial process – an ombudsman.

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He also spoke about the lobbying power of village owners and operators that had ensured the Retirement Villages Act remained 'light touch' for all of the 32 years of its existence. The light touch of the Act leaves owners and operators mostly self-regulated and free to issue contracts more like commercial leases than a consumer agreement. He said residents needed a new Act providing greatly improved resident rights and protections, together with a strong and proactive regulator (i.e. Consumer Affairs Victoria).

Fiona York explained the nature of residential parks, where residents own the dwelling but lease the land, and which are regulated by the Residential Tenancies Act. She emphasised the power of the landlord to frustrate the sale of the residence and that there is no clear

process to protect residents' rights when a park closes. Fiona pointed out that like retirement village residents, park residents see the establishment of a retirement housing ombudsman as their priority.

Barbara Romeril described her experience of assisting her aunt to move from a retirement village into an aged care facility. Through experience as an advocate and sheer persistence she was able to increase her aunt's termination payment significantly and how the higher termination payment dramatically improved the standard of accommodation her aunt was able to access.

John Lander outlined his experience as a resident of Veronica Gardens, an Aveo village, and his views on the Aveo Way contract that



RRVV members on the steps of Parliament House on 30 November 2017, at the launch of RRVV's election platform for 2018.

requires new residents to enter into a lease contract rather than a strata title which had previously been held by the seller.

At the conclusion of the event, the meeting unanimously endorsed the proposal by Lawrie Robertson that the Government enact a new Retirement Villages Act that provides greatly improved resident rights and protections, strengthens the regulator's powers and gives it a powerfully proactive role.

The challenge for RRVV members is now to maximise every opportunity to put our reform case to our local lower and upper house members well before the election. Sometimes the idea of writing a letter to an MP or meeting the MP face to face can be daunting. Meeting and corresponding with voters is part of an MP's job description and most make an effort to put everyone at ease. You can find lots of helpful material and a step by step guide on the RRVV website.

Thank you to all who attended.

MORE COMMITTEE MEMBERS PLEASE

This year the RRVV Committee has lost two long serving members and also our very efficient paid administration assistant. Consequently, with only five committee members out of a possible nine, the committee is constrained in what it can do for RRVV members.

The present committee is also light-on for female members having only one out of our current five committee members.

You need to be aware that being an RRVV Committee member requires a large time commitment and some IT skills as the committee relies heavily on email to complete a lot of its work. Some experience on Owners Corporation Committees or Residents' Committees would be invaluable. No pay but a great deal of satisfaction in learning how

all the other villages in Victoria operate, in forming policies, and in assisting residents with problems.

At the recent RRVV AGM it was suggested that members could consider volunteering for one-off tasks as they arise. This would assist the committee without imposing a large time commitment.

Should you be interested please approach any of the RRVV committee for further information.

CONTACTING YOUR MEMBER OF PARLIAMENT

On the RRVV Website are some tips which may assist when you approach your Member of Parliament for lobbying purposes.

Google: *RRVV*

Click on: *"Guidelines" box at the top of the first page.*

CHRISTMAS MESSAGE

The RRVV Committee is very grateful for the support shown to it by members over 2017. Your response to appeals to lobby MPs and attend rallies over this period has been excellent and committee members draw great strength from this.

The RRVV Committee wishes all members a very enjoyable celebration of Christmas and a healthy and productive New Year.



ANNUAL INCREASE IN SERVICE FEES

For those retirement villages whose financial year ends on 31 December 2017 (ie the financial year coincides with the calendar year), the village operator is entitled to increase the service fee or “maintenance charge” by 2.1% for 2018. This percentage is based on changes in the Consumer Price Index (CPI), published by the Australian Bureau of Statistics, that took place between the December quarter of 2015 and the September quarter of 2017.

According to the formula used to calculate the percentage - specified in the Retirement Villages (Contractual Arrangements) Regulations 2006 - the percentage increase is calculated by dividing the sum of the CPI index numbers for the last quarter of 2016 and the first three quarters of 2017 by the sum of the CPI index numbers for the last quarter of 2015 and the first three quarters of 2016.

The table shows the relevant figures for calculating the increase for 2018 for Melbourne.

Quarter	Melbourne CPI
December 2016	109.9
March 2017	110.9
June 2017	111.0
September 2017	111.5
<i>Total</i>	<i>443.3</i>
December 2015	108.3
March 2016	108.2
June 2016	108.6
September 2016	109.1
<i>Total</i>	<i>434.2</i>

Source: Australian Bureau of Statistics 6401 (All Groups)

The total of the first set of four index numbers (443.3) is 2.1% higher than the total of the second set (434.2) and operators of retirement villages in Melbourne are entitled to increase

their fees to residents by this percentage. Any proposed increase higher than 2.1% would require residents' approval, either in the form of a majority vote at a meeting of residents or, in some cases, a resolution of the residents committee.

A retirement village operator is entitled to increase service fees by more than 2.1% without residents' approval only if their costs have increased as a direct result of changes in items of expenditure which are set by governments, such as award wages, rates, and taxes.

This increase applies only to those villages whose financial year ends on 31 December. For most villages the financial year ends on 30 June, for which we publish the relevant increase in our June Newsletter.

Peter Saalmans

PERMISSION TO INSTALL SOLAR PANELS – WHAT ARE YOUR RIGHTS?

Queries to our helpline about residents' rights to install solar panels have increased in recent months. In some respects, this is not surprising. The cost of power has increased, and many residents fear power prices will continue to rise. The closing of the Hazelwood power station has raised concern about the reliability of our power supply and stimulated interest in including battery storage in solar installations.

Most residence contracts require residents to obtain permission to make additions or modifications to their units. When your operator refuses to permit installation of solar power equipment or imposes difficult conditions, what can you do?

First, check your contract carefully. Does it contain a provision that permission to make additions or alterations 'must not be unreasonably withheld'? Whether a refusal

to grant permission to install solar panels was unreasonable would depend on the facts. For example, is there room to install panels on the roof? If your unit is in a multistorey building, there might not be enough room on the roof to allow several residents to each install solar panels. Moreover, there might be other technical obstacles. However, in the absence of substantial obstacles, we recommend you argue that withholding permission is unreasonable.

Also, check out who is responsible for the roof. For example, in the residence and management contracts of some strata tiled villages, maintenance of the roof of free-standing units is the responsibility of the Owners Corporation. If this is so, check the Owners Corporation's rules. The Owners Corporations Act allows an Owners Corporation to have rules that restrict installation of solar panels and like sustainability equipment if it believes items will interfere with other lot owners' use and enjoyment of their lot or the common property. RRVV has submitted to the Government that it prohibit restricting solar panel installation on appearance grounds. In any event, check out the dispute resolution process set out in the owners corporation rules. You might try arguing that appearance is an invalid reason for denying you the economic and security benefits of solar panels.

Does your contract make specific provision for the resolution of disputes about additions and alterations? Some contracts require arbitration by an independent party. Such a process may resolve the question of whether the refusal was valid or reasonable but be careful to check out what arbitration will cost you before proceeding.

In the case of leasehold villages, a village owner is entitled to set policies if they do not conflict with The Retirement Villages Act, your contract and any other relevant laws. On the surface, this would seem to give many owners a relatively free hand to refuse residents permission to install solar panels.

RRVV views this as unsatisfactory and is actively lobbying for changes to the Act.

The simple fact that the Retirement Villages Act or your contract does not give you rights to do what you want does not stop you from arguing your case. The dispute resolution process set out in the Retirement Villages Act 1986 is always available to you for disputes other than those concerning common property in strata titled villages. The Act does not require you to complain in writing, but it certainly helps if you can document your case. RRVV believes residents underutilise the dispute resolution process because they do not want to cause trouble. Correctly used, the process is about resolving disputes, not about creating trouble. If you need the help of a lay advocate to help you present your case, please contact RRVV.

RRVV is considering making further representations to the Government specifically about residents rights to install solar panels and keen to hear about your experiences, both good and bad. Please write to the PO Box given on the masthead of this newsletter or email rrvv.vic@gmail.com.

Note – the opinions expressed in this article do not constitute legal advice. For legal advice, please contact a solicitor.

FROM THE BEEHIVE RETIREMENT VILLAGE



In the three years this bee has lived at The Beehive Retirement Village there have been many empty cells - and still are. Many of these cells were already empty prior to the bad publicity recently directed at the retirement sector and I have heard of several other retirement beehives which are in a similar situation.

This set my bee brain to wonder – why is it so? After all many other retirement beehives have so many bees clamoring to live in those beehives that waiting lists need to be established.

From there my thinking went to a prior question – why do bees chose to live in retirement beehives in the first place?

What ingredient in the honey of the retirement beehives attracts bees to buy into this particular lifestyle?

The average bee in the average retirement beehive is of mature age, is female and single.

If the honey at a retirement beehive contains security as an ingredient it is very attractive to most older bees.

One female resident bee told me - one day she had come back to her previous home to find burglars inside it. She was so shocked and frightened she immediately sold her home and flew to a beehive retirement village where she does feel secure.

Honey that includes a dash of companionship also holds a strong attraction. Many bees find living alone in their large family home after the possible death of a partner and all the little bees have grown up and begun their own beehives, is very lonely and isolating. This makes the community aspect of living in a retirement beehive very important.

When the honey contains a pinch of access to transport, mature age bees find this very attractive. Many bees, as they mature, have to give up driving which negatively impacts on independence. When a smidgeon of in-house activities is added to the honey, bee brains are stimulated and the sense of community enhanced.

All in all it is very understandable why bees are attracted to this honey. The honey of The Beehive Retirement Village in which this bee lives has all the above ingredients but still the cells don't sell. Is it because there is

no swimming pool? No bowling green? No croquet lawn? Possibly – but many of these facilities at other beehive retirement villages are underused.

Bees sometimes discover, after they have lived in their retirement beehive for a while that the honey that first attracted them has become too sweet or too sour or so sticky that they can't easily escape the honey pot. This is what is happening at The Beehive Retirement Village. Because there have been no new bees joining the community for so long all bee traits have intensified making the atmosphere less attractive to prospective resident bees. Also the beehive itself is ageing and needs to be redeveloped to include the ingredients of modernity, freshness and positive energy.

Could this be what is also happening at other retirement beehives with many empty cells?

Overall the whole beehive retirement sector is undergoing rapid change. For example - the current dilemma seems to be how to develop retirement beehives which will provide for two separate swarms of bees who will be looking for somewhere to live. Sufficiently sweet and versatile honey will need to be invented to attract very frail, very elderly bees at the same time as being attractive to younger, fitter bees.

The new swarm of bees will live longer, will be active longer, will travel more, will have access to more money for their retirement and will live independently longer. New retirement beehives and new honey will need to be designed to meet the needs of both these swarms.

I wonder if the honey which attracts the older frailer bees will be compatible with the honey invented for the younger, fitter bees or will it curdle when mixed together.



The Really Big Bumble Bees are working on it. It is hoped they don't take too long.

RRVV OFFERS SUPPORT FOR MEMBERS OF RESIDENTS' COMMITTEES

Over the years, RRVV has received requests to provide greater support for members of residents' committees. Early in 2018, we will pilot a workshop program designed to assist committee members to deal with some of the challenges in serving the residents of their village and dealing with their village operator.

Ken Jolly our RLO at Classic Residences Brighton and Chair of that village's residents' association has agreed to assist in the development of the program and to facilitate the pilot sessions.

We will hold the first workshop in the boardroom at our Caulfield office in March 2018. Our tentative plan is for the workshop to run from 10 AM to 2 PM. We will serve a light lunch.

Our preference is to recruit participants from at least four villages, each managed by a different operator.

If you are interested in participating in the pilot program, please express your interest by emailing:

rrvv.vic@gmail.com

or telephoning 9015 8402 before
29 January 2018.



RRVV'S OFFICE IN NORTH CAULFIELD

As most of you know moving office can be as demanding and time-consuming as moving house - not to mention all the previous effort in locating a suitable office or house.

The RRVV Committee now feels quite at home at our new shared office at 191 Balaclava Road, North Caulfield although there are still a few "bugs" to iron out.

You will note that the masthead of this December newsletter has been changed to show the new post office box number at Caulfield Junction Post Office. Arrangements have been made to allow for this adjustment so don't worry if you send something to the original address. It will still be delivered to us but the sooner all mail comes directly to Caulfield Junction the better.

DO YOU WANT TO BE THE FIRST WITH THE LATEST NEWS??

The modern method of keeping members of any organisation "in the loop" so to speak is by email and RRVV wants to do just that – have excellent communication with its members.

So, if you have an email address you think would not be on our database, could you please email it to:

rrvv.vic@gmail.com

Thank you.

*** THE RRVV AGM * 16 OCTOBER 2017**

There was quite a buzz in the room at the Victorian University Convention Centre as RRVV members gathered for the 2017 AGM. This was the first time this particular venue was used for the annual AGM and it proved very comfortable and all appreciated the light lunch provided.

Lawrie Robertson who was voted in as President of RRVV during the meeting opened the proceedings with the annual report in which the “behind the scenes” activities of the RRVV Committee were emphasised. The focus of these activities had been the lobbying of Members of Parliament to vote for the recommendations made to the government by the Panel of the Inquiry into Retirement Housing in Victoria. RRVV, along with members and the other organisations with whom RRVV works, was disappointed when the Government published its response. However the fight will go on.

A lively discussion ensued when the suggestion was made that RRVV might raise its membership fee from the current \$10 per annum. The meeting directed that the current membership cost remain and that the RRVV Committee form a strategy to use funds currently held in reserve to be presented at the 2018 AGM.

The Guest Speaker Hon Ms Heidi Victoria, the Shadow Minister for Tourism and Major Events, Arts and Culture and Consumer Affairs gave a

brief introduction before inviting RRVV Members to tell her what they wanted changed within the retirement housing sector. The ensuing discussion was stimulating and Ms Victoria showed great respect for the opinions given by the members in attendance.

A meeting of RLOs was scheduled to follow lunch. Unfortunately, some RLOs who had travelled in from the country had to leave before the end of this meeting in order to catch transport home. The committee noted this and has resolved to arrange an earlier start for the 2018 AGM. RLOs are the backbone of RRVV and one of the goals of the committee for this coming year is to offer them more support as it can be a challenging role.

John Lumley has worked for RRVV for a very long time in the role, officially, of “Treasurer”, but in actuality John has worked extremely hard and efficiently on many RRVV Committee tasks. The President, all the Committee and the Members present thanked John for his commitment to RRVV and accepted his retirement with regret.

The overall consensus from several sources was that this had been a successful AGM.

