

President's Annual Report

In developing this, the President's first annual report. I have looked back to where we started, considered where we are now and I look forward to what is yet to be.

The first ripples of discontent with the almost total lack of transparency in financial dealings between village operators and village residents, coupled with the massive power imbalance between villagers and operators, became apparent at a meeting, convened by the operator, of residents in late 2022. This meeting also revealed the commencing interest at a political level, by the attendance of the Legislative Council Member for Launceston, Rosemary Armitage.

The 2022 Annual General Meeting of the Glenara Lakes Residents Association appointed a sub-committee to investigate the establishment of a Tasmanian Retirement Village Residents Association. The sub-committee then met on 9 separate occasions, progressing to the creation and Inaugural Meeting of the Tasmanian Association for Residents of Retirement Villages (TARRV) on Monday 13th February, 2023.

Approximately 100 residents of various retirement villages attended the Inaugural Meeting, as well as Ms Lara Alexander MHA Bass, Ms Rosemary Armitage MLC Launceston and Mr Nick Duigan MLC Windermere, together with Ms Bridget Wilkinson of COTA and another three advisers to politicians and media representatives.

Since the Inaugural Meeting, some of the matters achieved by TARRV are:

- (i) Achieved Incorporation as an Incorporated Association; N° IA13090.
- (ii) Applied for & received our ABN and TFN.
- (iii) **Recognition by government as the peak body** representing residents of Tasmanian retirement villages.
- (iv) Applied for and **received a government grant** for secretarial equipment
- (v) Achieved a membership of almost 600 retirement village residents from nearly 30 villages
- (vi) The Tasmanian **government listened to TARRV** and especially to our concerns with increases to recurrent fees, the fee calculations, their annual presentation and documentation; following extensive consultation, the government agreed to and amended the Retirement Villages Act, the changes to the Act included the following:
 - Section 14, addition of the requirement for the operator keeps accurate minutes of meetings convened by the operator and that the minutes are available to residents within 30 days and later adopted at a meeting called by the operator.
 - Entirely new Section 14A (*Increase in recurrent charges*) inserted.
This new section sets out the requirements for the operator to:
Use the Consumer Price Index for Hobart
Submit to a meeting of residents and tenants, a written explanation that demonstrates that the increase in recurrent charges is reasonable
Included a set of rules for calculating the CPI increase amount
If the proposed increase in recurrent charges exceeds the calculated CPI index amount for those recurrent charges, a **majority of at least 65%** of the residents and tenants voting are needed to approve the increase.

- (vii) Assisting with the resolution of issues raised by residents at different retirement villages, including:
 - Assistance to a solicitor in regard to a significant under-payment of an exit fee
 - Assisting residents to re-establishment their residents' committee
 - Advice on the expansion of the role of a residents' committee
 - Investigation of matters pertaining to charges and rebates for electricity supplied via an imbedded electrical network
 - Investigated the suitability of road design for disabled persons
 - Provided assistance to residents in regard to the procedure for increases in recurrent charges
 - Provided advice as to the calculation of the refund from ingoing contributions
 - Ongoing negotiations in regard to the application of the Strata titles Act vs the Retirement Villages Act
 - Made presentations at 19 retirement villages, including Derwent Waters & Lady Clarke (Claremont), Karingal (Devonport), Tamar Valley Court (Exeter), Barossa Park (Glenorchy), Manor Gardens (Kings Meadows), Ainslie House & Cosgrove Park (Launceston), Mowbray Links (Mowbray), Reed Estate (Prospect Vale), Flowers Court & Garden Village (Newstead), Lady Clark (Newtown), Fairway Rise, Queen Victoria Homes & Springhaven (Lindisfarne), St Canice (Sandy Bay), Northbourne Park (Scottsdale) and Glenara Lakes (Youngtown).
- (viii) Created and distributed a newsletter each quarter
- (ix) Held Committee meetings every month
- (x) Held General meetings every quarter
- (xi) Designed and undertook a major survey of all TARRV members on matters pertaining to their life within a retirement village. The report on the TARRV Member Opinion Survey has been printed, bound and the 51 copies posted to 29 retirement villages' CEO's, village managers and Board chairs.
- (xii) Successfully negotiated the appointment of a solicitor to provide pro bono advice to TARRV
- (xiii) Established and maintain an active website and specific Committee email contact for members
- (xiv) Held a meeting on Wednesday 19th June, together with our vice-president Nigel Burch and senior members from CBOS, Mr Shawn Chia (the Principal Compliance Officer, Compliance and Dispute Resolution, Department of Justice), accompanied by his 2IC Mr Paul Cummins and their legal adviser Ms Marjana Bateman.

TARRV currently has the following issues under consideration:

- (a) Negotiations with a village operator in regard to non-compliance with both the Strata Titles Act and the Retirement Villages Act, TARRV has obtained an expert opinion on the matter
- (b) Negotiations with a village operator in regard to non-compliance with the Anti-Discrimination Act and the standards relevant to road kerbs, driveways and pedestrian crossings, with particular reference to use of roads and road structures by disabled persons

- (c) The application of the Retirement Villages Act in regard to insurance and insurance excess and the liability of the village operator; several different operators are involved
- (d) The claim by a village operator that a resident's contract takes precedence over the Retirement Villages Act in regard to fee increases, fee documentation and the applicable date for fee increases
- (e) The action of a village operator to set up a residents' committee and the assertion that the existing residents' committee/association did not comply with the Retirement Villages Act in regard to calling the existing residents' committee/association annual general meeting

The future works:

1. At our inaugural meeting last year, our guest speaker, Lara Alexander, pointed out that residents in rented premises have greater protection than residents in retirement villages under the Residential Tenancy Act, an example is "bidding" in Glenara Lakes Retirement Village and other villages between potential new residents, whereas the Residential Tenancy Act states at Clause 16B (1) (b) they "*must not invite a prospective tenant to make an offer to become a tenant of the premises at a price higher than a fixed price advertised or offered by the owner.*" This matter to be further explored and, ideally, lead to a similar clause in the Retirement villages Act.
2. In conjunction with the Tasmanian Law Society, to lobby the government to develop a Wills Register; Tasmania is probably the only State not to have such a register.
3. ACAT assessment for Aged Care packages is quite confronting. There doesn't appear to be anyone to advise applicants how to undertake the process other than providers. It would be better to have an independent advisor. This is to be further discussed with COTA.
4. The improvements of the communication between TARRV and residents' committees, with the aim of receiving a regular, say 3 or 6 monthly, report from some of the committees.
5. Increase the TARRV membership, both in total membership and increase the number of villages represented. Currently, TARRV has nearly 600 members, from about 30 villages
6. Increase the public awareness of TARRV and its importance for both residents in retirement villages and, for the general public, its importance for persons contemplating moving to a retirement village. An example of this is that TARRV is registered in the October Senior's Week program for information sessions on the morning of Friday October 18th at Holy Trinity Church Launceston.
7. Further develop the use of the "Microsoft Access" software

Ian Green (TARRV President)