



Minutes of AGM Tuesday 20 Sep 2022

1 WELCOME

Judy Mayfield (Acting President)

The meeting was opened by Judy Mayfield at 10:30am

A warm welcome was extended to all members and guests present, with a special mention of the following:

- 6 senior officers from the Department of Communities, Housing and Digital Economy (DCHDE)
- Debra Balhatchet – DSL Law
- Megan Hobson – Code Administrator, Retirement Living Code Administration Pty Limited
- Richard Hammett Business Development Manager, QLD Rehab
- Susie Arthur – Chairperson, Retirement Living Council (RLC), QLD Committee

2 ATTENDANCE:

Judy Mayfield (Acting President)

Refer to records held at the ARQRV office, Brendale

Members – 58, Guests – 19 guests

No proxies were recorded. There were 22 apologies.

3 CONFIRMATION OF MINUTES:

Judy Mayfield (Acting President)

The minutes of 21 September 2021 Annual General Meeting had been previously circulated to all members of ARQRV via the Connect newsletter.

MOVED by Brian McKay (Palm Lake Resort Beachmere Sands) that the minutes of 21 September 2021 Annual General Meeting, as circulated, be accepted.

SECONDED: Mike Fairbairn – Noosa Waters Retirement Estate

CARRIED

4 BUSINESS ARISING FROM MINUTES:

Judy Mayfield (Acting President)

No business arose from the minutes of the previous AGM.

5 REPORTS

5.1 President's report

Judy Mayfield (Acting President)

Refer to Annual Report

Judy spoke about the following issues noted in her written report–

Impact of COVID on the work of ARQRV and village life; Regular engagement with DCHDE; Thank you to membership support officers; Zoom meetings with residents committees who subscribe to the Support desk; Thank you to former President Mel Dennison, to administration officer Carol Zelow who both resigned, to former Office manager Jan Sullivan who stayed on as volunteer appointed secretary, to new office staff Laurie Summerville and Pauline Brownlie, and to retiring committee members; Securing short-term ongoing funding from DCHDE; Entering into agreement with QLD Rehab to secure discounts for members;

5.2. Treasurer's report

Les Arbor (Treasurer)

Refer to Annual Report, Financial Statements and Auditors Report

Independent auditors report required by legislation –the Associations finances were audited by David Unwin Accountants CPA Pty Ltd, Morayfield Qld.

Treasurer's Report – Les Arbor presented a precis of the financial position of the Association. He referred to income from the COVID 19 Business Grant, Government funding (Building Consumer Confidence Project funding), generous donation from members, and member subscriptions slightly more than budgeted.

Les noted that operating expenses were slightly more than that budgeted with wages being a major item, with other notable items of IT, newsletter production and postage, and office lease.

He advised that it was necessary to withdraw from ARQRV deposits in December 2021 but, is confident that it will be redeposited in December 2022.

Les noted that the association needs to gain more members to boost income.

Les stated that, as a new committee member, the support and effort generated by staff and the association's committee is not properly recognised or understood by the residents of Queensland Villages.

Acceptance of Treasurer's Report

MOVED by Les Arbor – AVEO Albany Creek that the 2021/22 financial reports and audited statements, as circulated, be accepted.

SECONDED: Brian McKay – Beachmere Sands Retirement Resort

CARRIED

Appointment of auditor 2022/23

MOVED by Les Arbor – AVEO Albany Creek that David Unwin Accountants CPA Pty Ltd, Morayfield Qld be appointed as auditor of the association for the next financial year

SECONDED: Meg Scott – Wheller on the Park

CARRIED

5.3 Mediation & Advocacy

Mike Fairbairn (Vice President)

Refer to Annual Report

Mike spoke about the following issues noted in his written report–

Current trends in the industry; Fear of mentioning predatory behaviour; Distribution of general services charges budget surplus; Residents paying for repairs to capital items that formerly paid by Insurance; Deprivation of consumer rights; Wrong CPI increase used for budget; Contract inconsistencies; Threat of eviction; Buy back review; QCAT; Property Council Code of Conduct.

Mike made a special mention of the positive outcomes received from officers of the Department of Communities, Housing and Digital Economy, and trusts there will be an even greater collaboration with ARQRV in the future.

6 GENERAL BUSINESS

Judy Mayfield (Acting President)

Vote to increase membership fees.

Judy, in accordance with clauses 3.5 and 5.4 of the ARQRV Constitution, moved the following two motions to increase membership subscriptions,

Motion 1 – That, from 1 Oct 2022:

- subscriptions for renewal for Ordinary Members (annual members) and for Associate Members will be \$44 (inc. GST) per year; and

- subscriptions for new Ordinary Members (annual members) and for new Associate Members will be \$44 (inc. GST) per year plus a one-off \$25 administration fee.

Motion 2 – That, from 1 Oct 2022, subscriptions for new Financial Life Members will be \$440 (inc. GST).

SECONDED: Both motions were seconded by Brian McKay

CARRIED: Both motions were passed.

Following the vote, Mike Fairbairn reiterated that the Committee had decided that current financial annual members may, until 31 March 2023, upgrade to life membership for the old rate of \$300.

7 GUEST SPEAKERS

Speaker

Richard Hamment Qld Rehab)

Richard announced that QLD Rehab and ARQRV have entered into an agreement whereby members will receive a 10% discount on purchases (terms and condition will apply).

He explained that QLD Rehab is a large fully Australian company which provides suitable equipment and advice to people to maintain their independent lifestyle.

Speaker

Lisa Pollard, Manager Legislation & Reform, DCHDE

Lisa gave an insight into the many projects being undertaken by her team including–

Exit entitlement review – further work being conducted to finalise this project and implement decisions made by Government

Exempt villages – some resident-owned villages have been approved as exempt that from the buy-back arrangements

Dispute resolution process – conducting a review of the dispute resolution process and the role of QCAT

Budgets and financial reporting – drafting Regulation to improve transparency of village financial practices with an expected implementation for FY 2023

Residence contracts – considering content of new residence contracts including ‘included terms’ and ‘excluded terms’, and a general standard template

Medical assessment for residents and their rights – investigating and considering legislative changes relevant to medical assessment and the rights of affected residents. Using relevant case studies to assist analysis.

RV accreditation – commencing analysis of assessment requirements for accreditation of villages

Questions – Various questions from members were responded to.

Speaker

**Katherine Harvey, A/Team Leader
Regulatory Services (RSU), DCHDE**

Katherine explained that the Regulatory Services Retirement Villages (RV) team:

- consists of 5 team members responsible for the regulation of retirement villages across Qld
- has now recommenced site visits to villages and are speaking face to face with village managers, resident committees and residents
- responds to enquiries and complaints about the Qld retirement village industry in Qld with many being very similar to those being raised with ARQRV.

Some of the issues the RV team are currently managing include –

Rental Units - Increasing numbers of rental units in retirement villages and some villages transitioning from a retirement village scheme to a rental village (ie closing down the retirement village scheme). There is a process a village operator must follow when deciding to wind down or deregister a retirement village scheme. The process involves engaging with residents around the closure process etc. This does not appear to be happening in some cases.

Insurance – RSU has received lots of enquiries around retirement village insurance – what should or should not be included in a scheme operator’s village insurance policy (paid for by residents), should residents be responsible for repair and/or replacement of capital items or parts of capital items covered by operator insurance but where the cost of the repair or replacement is less than the insurance policy excess.

Buyback Exemptions – RSU is currently processing applications from resident owned and operated (freehold) villages for exemption from mandatory buyback provisions. 2 applications were granted early this year and 2 more applications have been received and recommended for approval.

Village Financial Management Issues – RSU gets involved where financial management issues are identified within a village, and the RV team is currently managing a number of these situations. These matters can involve incorrect classification of expenditure – where the operator has used the wrong funds to pay for capital replacement or repairs etc. In other cases, issues can include operators failing to make GSF and MRF contributions for former residents whose accommodation units remain unsold, or incorrectly allocating resident fees to accounts. Matters such as these can take quite some time to rectify and require ongoing education and monitoring from RSU analysts.

Salaries & Wages – RSU is currently looking into the classification of village staff salaries and wages to ensure they are being treated in accordance with legislative requirements. (ie whether they are required to be classified as s106 or s107 items)

Exit Process – RSU often receives complaints and enquiries about exit entitlements or the exit process. Some of the more recent complaints related to early buyback offers, calculation of proportionate costs, the operator failing to negotiate and agree upon the resale value for a unit after termination, proper process not being followed in regard to seeking a valuation for a unit to determine the resale value, poor communication with former residents or their representatives, no discussion or agreement in relation to the extent and cost of renovations.

Contract variations – RSU have received enquiries around some contract types which we have not seen before for which we are seeking advice to determine how the legislation applies

Regulatory guidelines – RSU is in the process of developing regulatory guidelines for publication. The guidelines will provide clarity around the department’s interpretation of the *Retirement Villages Act 1999* and what is required to achieve compliance with certain aspects of the legislation. They will provide information about topics raised through complaints or investigations where there is evidence of widespread non-compliance or inconsistency across industry. There are currently three guidelines awaiting publication and a further 2 in draft. These include:

- Insurance Excess Payments
- Exit Entitlements and Costs of Sale
- How to calculate Proportionate Costs
- Capital Replacement Funds (currently drafted but release has been delayed due to upcoming legislative changes)
- Staff salaries and wages - correct classification (draft underway)

Future guidelines – Treatment of surpluses and deficits, Valuations.

Guidelines will be published on the department’s website and circulated to all operators and resident committees who have provided an email address for our mailing list. If anyone would like to add a residents

committee email address to our mailing list they can send their generic nominated email to regulatoryservices@chde.qld.gov.au .

Questions – Various questions from members were responded to.

Speaker

**Susie Arthur, Chairperson RLC, QLD
Committee**

Susie spoke about various ‘hot spots’ within the industry, but particularly that lines are beginning to blur between RVs and aged care facilities.

She stated that the RLC is always looking to the future and are interested in encouraging an active, healthy lifestyle for retirees.

She also brought to the attention of members that the RLC provides important feedback to DCHDE about legislation review.

8 ELECTION OF COMMITTEE FOR 2022 – 2023

Peter Smyth

Judy Mayfield handed the meeting over to Peter Smyth to conduct the election.

All positions were declared vacant.

The following written nominations were received, by the Secretary, before the meeting:

President – Judy Mayfield

Vice President – Mike Fairbairn

Vice President – Margaret Scott

Treasurer – Les Ambor

Member – Brian McKay

Member – Ray Jordan

Member – Sam Denny

Member – Russell Lewis

Member – Roger Savage

No further nominations were received from the floor.

Peter affirmed that each person was declared elected, uncontested.

Appointment of secretary

Jan Sullivan was appointed secretary under s 66(1)(c) of the *Associations Incorporations Act 1981*.

9 NEXT AGM

The Chairperson advised that the next AGM would be held in September 2023 on the northside of Brisbane at Kedron Wavell Services Club.

MEETING CLOSED

The meeting closed at 12:30pm