

Report of ARQRV video conference 28/08/24

This meeting was the latest in a series organised by the Association of Queensland Retirement Villages (ARQRV) for representatives of residents' committees. They are open to all village residents' committees with a help desk subscription.

It was attended by Judy Mayfield the President and office staff from ARQRV; 20 or so representatives of residents' committees in other villages; Katherine Harvey and Rowena Andrews from the Queensland [state government](#) department responsible for retirement villages; and Michelle Simpkins from [DSL law](#) – a legal firm with particular interests in the affairs of retirement villages.

Key points.

- [ARQRV](#) The annual general meeting is to be held at Loganholme on September 24.th This meeting will be live streamed, and the agenda includes changes to ARQRV constitution, contents insurance and launch of new app. Full details can be found in the latest ARQRV newsletter.
- [Department of Housing/Regulation etc.](#)
 - The [Financial Document Amendment Regulation 2024](#) came into effect on 1st July 2024. This will not impact village budget reporting until the Financial Year 2025/26. Some draft guidelines about the implementation of these new regulations have been produced by the Department and are currently out for consultation before the final version is published. Judy Mayfield raised the possibility of ARQRV holding a forum on this topic for village Financial Advisory Panels if there is sufficient interest. Aura management advise that they are compliant with the new regulations and will adjust their reporting procedures accordingly.
 - [Village closures](#) Concerns have been expressed about proposals for closure of one or two villages that are no longer commercially viable. This mainly affects older villages with limited facilities compared with newer market entrants and that cannot be made competitive because of the high costs of refurbishment or redevelopment. The [relevant section of the Act](#) defines the process to be followed under such circumstances. In short, the operator must present a plan to the residents of how they intend to manage the closure. Residents can then take any objections they may have about the plan to the Department for a ruling. One contentious area relates to proposals to progressively change to a rental model for new residents. This obviously could cause problems with as some residents but not others covered by the RV Act.

- Village Comparison Documents

The Department is in the process of developing an online catalogue of Village Comparison Documents which can be searched and selections made for side by side comparison. These documents are obviously most relevant for potential rather than current residents, but subsequent discussion did reveal a misunderstanding about the legal status of these documents. They are required by law as disclosure of the facilities and other relevant information at the time of publication. They are not legally binding in contrast with the individual contracts signed by operators and residents which obviously are.

- Recent legal issues Disputes between residents and operators where either party is dissatisfied with decisions made by the Department can be referred to the Queensland Civil and Administrative Tribunal (QCAT) and whose decisions are published here. Michelle Simpkins noted a recent QCAT case in which Section 136 of the RV Act has been invoked apparently for the first time. This section refers to disruptive or abusive behaviour either between residents or between residents and staff employed by the operator. This case involved a dispute between the operator and a resident and was found in favour of the operator. Judy Mayfield noted the marked recent rise in complaints about such behaviour.
- The age cohort effect. ARQRV reports that as the average age of the original residents of longer established villages increases, enthusiasm for membership of residents' committees often wanes. If it wanes to zero, problems may arise such as how any residual residents' funds should be managed, especially if the committee was formed with no preceding constitutional specification for such matters. This is covered in section 4.6 of our constitution, but some thought obviously needs to be given to broader issues of succession planning as a means of avoiding such potential crises.

Mike Ward
Chair
Somerset Residents Committee
05/09/24

