

# Bundaleer

## Village Rules for Residents

### Property

- 1 Residents shall not mark, paint, drive nails or screws into, or otherwise damage or deface any structure that forms part of the Village without written approval of the Administering Authority.
- 2 Residents shall report in writing to the Manager, any property or equipment needing maintenance.
- 3 Residents shall cooperate with the Administering Authority in the preservation of the garden areas.
- 4 Residents shall accept full responsibility for the loss or damage of any valuables, money or personal effects.
- 5 Residents shall not deposit any fat, tea leaves or other waste matter in any sewerage or drain pipes.
- 6 Pets, other than guide dogs, are not permitted, unless written permission has been requested and granted by the Manager.
- 7 Smoking within the communal facility is prohibited.
- 8 Residents shall ensure that their invitees do not behave in a manner likely to cause a nuisance or embarrassment to any other person.
- 9 Residents are not to plant trees or large shrubs in their garden areas.

### Residence Furnishings

Residents shall not use or install any additional heating without the consent of the Administering Authority. (Kerosene or oil burning appliances are not permitted).

### Absences and Transfers

- 1 Residents who will be absent overnight or for longer periods are required to notify the Manager or staff beforehand.
- 2 Residents are required to advise the Manager of the name and address of next of kin and to advise any change of name, address or telephone number etc.

- 3 Residents are required to advise the Manager of the name and address of the executor appointed in wills of residents and the location of such documents, or guardians under an Enduring Power of Attorney, Enduring Power of Guardianship or Medical Power of Attorney, and to supply a copy of such documents.

### Health

- 1 Residents are required to name a doctor to attend them. The names of local doctors are available from the Manager should a regular doctor not be available.
- 2 In the event of sudden illness, the Manager may engage medical assistance at the Resident's expense and in an emergency, in regard to which the Administering Authority or its representative is the sole judge. Authority is given to the Administering Authority to have the Resident removed to hospital at the Resident's expense.
- 3 In the case of illness or accident the Manager must be notified immediately.
- 4 In the event of any infectious disease occurring the Manager must be notified immediately. The Residence will be thoroughly fumigated and disinfected at the Resident's expense and to the satisfaction of the relevant authority.

### Pathways

All pathways to be kept completely clear to maintain easy access to all residences (to allow passage of any ambulance, barouche, wheelchair etc).

### Harmonious Environment

All residents must be willing to comply with any reasonable request of the Manager to ensure a harmonious environment.

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### General

- 1 Residents are required to cooperate with the Manager and staff in the exercise or performance of their duties and shall at all times comply with their reasonable instructions.
- 2 Residents shall not use or enjoy the resident's residence or the Common Areas in such manner or for such purposes as to interfere with the use and enjoyment of other residences or the Common Areas by any other resident or person legally using those areas.
- 3 Notices shall not be displayed anywhere in the Village except on notice boards provided and then only with the permission of the Manager.
- 4 The Administering Authority reserves the right to enter any residence at any reasonable time during the day for the purposes of carrying out its duties but acknowledges the rights of a resident to the peaceful enjoyment of their residence.
- 5 Residents may have friends or relatives visit them at any reasonable time. The residents may not permit any person to occupy the residence as a guest of the resident for longer than four (4) days without the consent of the Administering Authority, which may refuse such consent without assigning any reason therefore. A resident shall not permit more than one such guest to occupy the residence at any time without the consent of the Administering Authority, which may refuse such consent without assigning any reason therefore.
- 6 Residents shall ensure that their invitees do not behave in a manner likely to cause a nuisance or embarrassment to any other person.
- 7 Residents who have personal or other problems are invited to discuss these with the Manager who is available to advise and assist as much as possible. The Manager will be glad to advise about the referral of matters where relevant to medical staff, Church Minister, social worker etc.

- 8 Only approved electrical appliances may be used in residences and in the case of electric blankets must be new and approved by the Manager.
- 9 A copy of these Rules, as amended from time to time, may be obtained from the Manager.

### Residents Committee

- 1 Residents may elect a residents committee to represent the interests of the residents at the Village.
- 2 No person except a resident of the Village may be a member of such residents committee.
- 3 Each member of the residents committee will hold office for one (1) year from election but is eligible for re-election.
- 4 A member may be removed from office by a special resolution at a meeting of the residents.
- 5 A residents committee may determine its own procedure, through its own constitution.
- 6 A residents committee may appoint sub-committees and determine their procedures.

### Code Of Conduct

#### Code of conduct to be observed by Administering authorities of retirement villages.

- 1 Preparation and provision of documents**

The administering authority of a retirement village may not charge a fee for the preparation or provision of a document required under section 17(3) of the Act to be given to a person before the person enters into a residence contract.
- 2 Premises condition report**

The premises condition report required under section 17(3)(c) of the Act to be given by the administering authority of a retirement village to a person before the person enters into a residence contract for a residence in

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the retirement village:

- a) must be completed as at the date of the contract; and
- b) must specify the year in which any fixture, fitting or furnishing is to be repaired or replaced; and
- c) must be signed and dated:
  - i. by the administering authority (or by a person duly authorised to act on behalf of the administering authority)
  - ii. if or when the resident is satisfied as to the information contained in the report- by the resident; and
- d) must be reviewed at the time the resident is vacating the residence.

### 3 Remarketing policy

- a) The administering authority of a retirement village may take preliminary steps for the remarketing of a residence in the retirement village as soon as the administering authority receives notice of the decision of the resident (the outgoing resident) to vacate the residence (or of any other circumstance that means that the resident will no longer be residing in the retirement village).
- b) The administering authority must act under its remarketing policy as soon as the administering authority receives notice of the decision of the outgoing resident to vacate the residents (or of any other circumstance referred to in sub-clause (1)).
- c) The requirements under the administering authority's remarketing policy must at least include or address:
  - i. arrangements to meet with the outgoing resident, or an agent, nominated person or personal representative of the outgoing resident, to view the residence, complete the premises condition report, and explain and discuss the remarketing process

(unless this is not reasonably practicable to do in view of the resident's circumstances); and

- ii. procedures to identify any work that should be undertaken to ensure that the residence is in a reasonable condition for remarketing, and to determine when and how any such work will be undertaken, and who will be responsible for organising the work, and for the cost of the work; and
- iii. the fixing of the price at which the residence will initially be remarketed, and when and how changes to that price will be considered and made; and
- iv. the type, level and frequency of advertising that will be undertaken in relation to the marketing of the residence; and
- v. who will be responsible for any costs associated with the valuation of the residence, any advertising, and other relevant matters, and how any such costs are to be calculated or determined; and
- vi. what will be required of the outgoing resident in relation to the remarketing of the residence, and the extent to which the resident may or will assume responsibility for any aspect of the remarketing process; and
- vii. what action will be taken if the residence is not sold or relicensed:
  - after ninety (90) days; and
  - after six (6) months; and
- viii. what steps are to be undertaken by
  - the administering authority; and
  - the outgoing resident when the residence is sold or relicensed; and
- ix. settlement procedures, including what fees, charges and costs will be deducted by the administering authority at the time of settlement, and the provision to the outgoing resident of a statement at ( or at an appropriate time after) the settlement.

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d) In addition to any requirement or undertaking in a remarketing policy, the administering authority must

- i. provide ongoing written reports to the outgoing resident on the progress of the matter at least monthly; and
- ii. if new residences within the retirement village are on the market at the same time, at least match the level of marketing for the residence of the outgoing resident that applies to those new residences.

#### 4 Payment after settlement

The administering authority of a retirement village must ensure that all amounts due to a former resident of a residence in the retirement village on the resale or relicensing of the residence are paid to the former resident within ten (10) Business Days after the date of settlement of the residence.

#### 5 Residents' committees

The administering authority of a retirement village will undertake reasonable consultation with a residents' committee established under section 30 of the Act in relation to the following matters:

- a) maintenance issues raised by residents;
- b) the preparation of an annual budget for the retirement village;
- c) any proposed change to a service or facility provided at the retirement village that is reasonably expected to result in:
  - i. increased costs to residents beyond any increase shown in the annual budget; or
  - ii. a loss of amenity;
- d) any proposal to alter or improve a building, fixture or fitting where residents will be expected to finance some or all of the capital or recurrent costs of the work, except where:

- i. the costs have already been included in the annual budget for the retirement village; or
- ii. the costs will not exceed \$2,000 in total;

- e) the establishment of a disputes committee, or of any other procedure for dealing with disputes;
- f) any proposal to formulate or alter rules for the retirement village;
- g) the distribution of information to residents;
- h) the establishment of social or recreational programmes at the retirement village;
- i. any other matter agreed between the committee and the administering authority.

#### 6 Additional consultation with residents

The administering authority of a retirement village must, in addition to the requirements of the Act and clause 5, take steps to ensure that there is reasonable consultation with residents of the retirement village in relation to any matter that could have a significant impact on their financial affairs, the amenity of the retirement village or their way of life.

#### 7 Dispute procedures

- a) The administering authority of a retirement village must provide to each resident of the retirement village a document setting out the policies and procedures to be applied by the administering authority in the event of a dispute and, if or when those policies or procedures are altered, a revised version of such a document.
- b) The policies and procedures to be applied by an administering authority of a retirement village in the event of a dispute must include the right for a resident to be accompanied by a person chosen by the resident at any meeting held to resolve the dispute.

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### *Example-*

*The resident may, for example, choose to be accompanied by his or her spouse, a friend, another resident (who may, or may not, be a member of the residents' committee), a lawyer or some other person.*

### Dispute Resolution Process

The Administering Authority believes that its policy of providing a caring attitude to the needs of residents and ensuring a friendly village atmosphere and pleasant environment avoids much of the root cause of disputes. Disputes however are inevitable. Some of these arise out of the annual budget and the need for maintenance fee escalation, however there may be many other causes and they may also occur between individual residents. It is therefore necessary to have a negotiation and resolution process in place which is as follows:

#### 1 Annual Budgets and Fees

- a) Issues arising out of the annual financial statements and budget are the subject of detailed discussions with the residents committee and the treasurer of this committee. Proposals are referred by the residents committee to all residents for questions and comment. These are answered directly where possible and when necessary more detailed explanations are sought from the Manager. If the residents committee and most residents accept proposed changes they may then be put to the general meeting where residents at variance have the right to discuss the matter and move alternative proposals.
- b) The Manager is required by law to answer questions from residents arising out of annual financial statements and budget proposals.
- c) Variations to budgets and consequent maintenance fee changes must be justified in terms of the Act.

- d) Questions may be in writing and submitted prior to the meeting or raised at the meeting when the issues are discussed.
- e) Residents may also seek advice from the Office of Business and Consumer Affairs which may avoid long and acrimonious dialogue between dissenting residents and the Administering Authority.
- f) If the parties to the dispute are unable to resolve their differences, residents (and the Administering Authority) may apply to the Residential Tenancies Tribunal seeking a hearing to discuss the issue before an arbitrator. The Tribunal may then make a determination which is binding upon the parties to the dispute.

#### 2 Other Matters

The resolution process is as follows:

- a) Initially the resident/s will raise the matter with the Manager for advice on the Administering Authorities' policy or other authority.
- b) The resident then may approach the chairperson of the residents' committee to act on his/her behalf in further discussions with the Manager.
- c) If the matter is still not resolved at this stage residents have direct access to the Administering Authority's Managing Director for a determination.
- d) Alternatively, two residents nominated by the residents committee and two representatives of the Administering Authority may form a panel to resolve disputes on a local level. (To date it has not been necessary to form this panel).

**Disputes between residents are normally settled by the parties to the issue (neighbours or members of committee), the administering authority not having the right to interfere in such matters.**