



RETIREMENT VILLAGE RESIDENTS ASSOCIATION INC

ABN: 16 674 035 984

ALL COMMUNICATIONS, TO THE SECRETARY, Malcolm McKenzie, PO Box 3176 NORTH TURRAMURRA, NSW 2074

Strata Issues for Open Forum 28 February, 2012

This association wishes to express our concern about the conflict that exists between the the Strata Schemes Management Act .(SSMA)and the Retirement Villages Act 1999 and its Regulation 2009.

1. Because there are reporting requirements prescribed in each piece of legislation, two sets of Annual Statements need to be prepared and/ or audited. Also, two Annual General Meetings, residents must be held one under the SSM Act, comprised of all Lot owners , who through ownership constitute the Owners Corporation: the second, a meeting of all residents under the R V Act.

2. Under the SSMA each lot is separately and individually owned. The RV Act is designed for Leasehold and Loan/Licence villages. As a consequence, the “operator” as defined in that Act, is presumed to be the sole owner. Obviously, this does not apply in Strata villages and so this causes considerable confusion to the layman, when endeavouring to understand both pieces of legislation.

3. The Owners Corporation under the SSMA, may have a properly licensed ‘strata manager’, who may, but probably isn’t the village manager, rather, an appointment from outside the village.

4. In retirement villages, where especially because all the residents are in their later years, the existence of two committees each under different acts promotes conflict and misunderstandings which tend to undermine the equilibrium of village life, unnecessarily.

5 The SSMA provides authority guidance and the care, maintenance and upkeep of the real property on behalf of the owners.

The RV Act establishes the particular rights and obligations of residents and operators of retirement villages, ownership is generally presumed to lie with the operator. These respective responsibilities are not always fully recognised or observed and this leads to differences of opinion between Owner=Residents and Caretaker (SSMA) or Operator (RV Act).

The Retirement Village Residents’ Association would like to see this confusion removed if possible In order to promote more recognition of rights of ownership in all strata villages.

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Secretary RVRA

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