Dispute Resolution Policy

(St Thomas Community Retirement Village)

1. Introduction

Statutory Requirements

The *Retirement Villages Act 1986* (Vic) (**Act**) and *Retirement Villages Regulations 2026* (Vic) (**Regulations**) require Southern Cross Care (SA, NT & Vic) Inc. (**Operator** and **Proprietor**), as operator and proprietor of St Thomas Community Retirement Village, 97-123 Hawthorn Road, Forest Hill Victoria 3131 (**Village**) to establish and maintain a procedure for dealing with village disputes (**Village Dispute**). A village dispute includes both:

1.1 Management Disputes:

(a) being any dispute that a resident has against the operator or the proprietor about the control, management or administration of the Village or any action or failure to act by the operator or the proprietor that affects the residents' use or enjoyment of the retirement village land, or

(b) being any dispute that a resident has against the operator about the provision of services or a failure to provide services to residents of the Village, and

(c) includes a dispute between a resident of the Village and the operator or proprietor that is about facilities, maintenance charges, capital maintenance, condition reports, reinstatement and refurbishment works, safety compliance, operational decisions and any other matters arising under the Act or Regulations; and

1.2 Resident Disputes, being a dispute between residents in the Village about any action (or failure to act by residents in the Village) that affects the use and enjoyment of the Village by other residents, or the use of services by other residents in the Village, being services provided to the residents in the Village by the Operator.

2. Purpose

The Operator is committed to using best endeavours to provide the Residents of the Village with a fair, transparent and effective procedure and process for the resolution of Village Disputes and agrees to manage your complaint in accordance with the statutory requirements, whilst respecting confidentiality, your rights and privacy.

3. Procedure for Village Disputes

3.1 Lodging your complaint

(a) If you have a Village Dispute, you may lodge a Village Complaint with the Operator verbally or in writing, (including by post, in person or by e-mail).

(b) Notice may be given by contacting the **Primary Contact Person** or the **Alternative Contact Person** if the Village Dispute involves the Primary Contract Person or the Primary Contact Person is not empowered to deal with the Village Dispute.

(c) The contact details of the Primary Contact Person and the Alternative Contact Person are as follows:

Primary Contact Person		**Alternative Contact Person**	
Name:	Diane Wandin	Name:	John McNamara
Position:	Village and Sales Operations Manager	Position:	Chief Operating Officer
Telephone:	0400 791 946	Telephone:	0429 574 614
Email:	diane.wandin@southerncrosscare.com.au	Email:	john.mcnamara@southerncrosscare.com.au
Address:	25 Conyngham Street, Glenside SA 5065	Address:	25 Conyngham Street, Glenside SA 5065

3.2 Internal Village Dispute Procedure

The Operator will adopt the following procedure when handling a Village Dispute:

(a) acknowledge receipt of your complaint to you in writing;

(b) establish an electronic or physical dispute file;

(c) if your Village Dispute is not in writing, as soon as practicable after receiving your Village Dispute, the Primary Contact Person or Alternative Contact Person will summarise its understanding of your Village Dispute and provide you with a written summary of your Village Dispute (including supporting documents), the outcome you seek, the steps the Primary Contact Person or Alternative Contact Person proposes to take to resolve your Village Dispute and the date by which the Primary Contact Person or Alternative Contact Person will advise you further; and

(d) if the Primary Contact Person or Alternative Contact Person is unable to resolve the Village Dispute within 72 hours of receipt of the Village Dispute, record the Village Dispute in a dispute file which will include:

(i) the date of your Village Dispute;

(ii) your name, address and contact details;

(iii) how your Village Dispute was made; and

(iv) details as to the nature of your Village Dispute, including any documents that you have provided as part of your Village Dispute.

(e) The Operator will in no way discourage a resident from raising a dispute nor cause detriment to a resident because a dispute has been raised by or about them. The Village aims to resolve Village Disputes promptly, fairly and respectfully.

(f) You may be represented by another person when dealing with the Village Dispute at any stage.

(g) With your consent, the Primary Contact Person or Alternative Contact Person will investigate your Village Dispute by interviewing any relevant staff or resident, and will review any documents you have provided, noting that the Primary Contact Person or Alternative Contact Person will not take any actions without your consent.

(h) The Primary Contact Person or Alternative Contact Person will advise you in writing of the outcome of its investigations into your complaint within 28 days of receiving your Village Dispute, including any actions that the Primary Contact Person or Alternative Contact Person proposes to take to address the issues raised in your Village Dispute, and the date by which the Primary Contact Person or Alternative Contact Person will advise you further (if applicable);

3.3 Outcome of Village Dispute

(a) As soon as practicable, the Primary Contact Person or Alternative Contact Person will notify the resident whether the Village Dispute is resolved or cannot be resolved.

(b) If the Village Dispute can be resolved, the Primary Contact Person or Alternative Contact Person will provide the resident with written notice that details the resolution.

(c) If the Village Dispute cannot be resolved, Primary Contact Person or Alternative Contact Person will set out the reasons the Village Dispute cannot be resolved and inform the resident that they may contact Consumer Affairs Victoria for assistance, seek conciliation under Part 6E of the Act and/or seek independent legal advice.

(d) A copy of the outcome notice will be kept on the dispute file.

3.4 Records

(a) If your Village Dispute is resolved within 72 hours (excluding weekends and public holidays), the Operator is not obliged to keep detailed ongoing records. However, the Operator must still keep a record of your Village Dispute, the date the complaint was made, the names of the parties to the Village Dispute, the nature of the Village Dispute, as the case may be, and the outcome or action taken.

(b) If your Village Dispute is not resolved within 72 hours (not including weekends and public holidays), the Operator must:

(i) create a dispute file (physical or electronic) to record the Village Dispute and maintain such file;

(ii) record:

(A) the date the dispute file was created;

(B) your name, address and contact details (and those of your representative, if any);

(C) how your Village Dispute was made; and

(D) details of the Village Dispute including any letters or other documents you have provided to the Village in relation to your Village Dispute;

(iii) keep in the dispute file, a dated copy of the Primary Contact Person or Alternative Contact Person's written advice to you summarising the Primary Contact Person or Alternative Contact Person's understanding of the matters to be resolved, the steps the Primary Contact Person or Alternative Contact Person intends to take to resolve your Village Dispute and the date by which the Primary Contact Person or Alternative Contact will advise you further;

(iv) keep in the dispute file, notes of every action the Primary Contact Person or Alternative Contact Person takes or intends to take in relation to the Village Dispute;

(v) keep in the dispute file, copies of all letters or other documents the Primary Contact Person or Alternative Contact Person receives or sends in relation to the Village Dispute; and

(vi) keep in the dispute file, copies of the Primary Contact Person or Alternative Contact Person's written advice to you once the Village Dispute has been resolved (and how it has been resolved), or the Primary Contact Person or Alternative Contact Person's advice that the Village Dispute cannot be resolved (which must include the Primary Contact Person or Alternative Contact Person's reasons for their decision and contact details for Consumer Affairs Victoria, VicAssist, or Victorian Civil and Administrative Tribunal who may provide you with further assistance).

(c) The Operator is required to retain the dispute file for 7 years.

4. Alternative Procedures for Village Disputes

In addition to the Internal Dispute Resolution Process, the following other options are available to you in resolving your Village Dispute. You may also utilise any one or more of these options if you are dissatisfied with the decision the Primary Contact Person or Alternative Contact Person made in reviewing your complaint under the Internal Dispute Resolution Process.

4.1 Consumer Affairs Victoria

Seek advice from Consumer Affairs Victoria, contact details as follows:

City office: 121 Exhibition Street, Melbourne VIC 3000

Postal address: GPO Box 123, Melbourne VIC 3001

Helpline telephone no: 1300 558 181 or 132 VIC (132 842)

Website: **https://www.consumer.vic.gov.au/contact-us**

Consumer Affairs Victoria may refer your complaint/dispute to the Dispute Settlement Centre of Victoria.

4.2 Conciliation

Seek advice from the VicAssist Retirement Villages, which is the retirement villages conciliation service. Contact details as follows:

Helpline no: 1300 528 994

Website: **https://www.vic.gov.au/how-retirement-village-conciliation-works**

4.3 Victorian Civil and Administrative Tribunal

Seek assistance from the Victorian Civil and Administrative Tribunal, contact details as follows:

Street address: 55 King Street, Melbourne VIC 3000

Postal address: GPO Box 5408, Melbourne VIC 3001

Telephone no: 1300 018 228

Website: **http://www.vcat.vic.gov.au**

4.4 Independent Advice

You may also seek independent legal advice or use another external dispute resolution body or service.

5. Reporting of Village Disputes

Under the Act and the Regulations, we are required to report on Village Disputes.

5.1 Report to the annual general meeting of residents

(a) The Operator is required to report at the annual general meeting of residents of the Village on the following matters:

(i) the nature of any Village Dispute that the Village has been notified of in the past year and the action taken to resolve the Village Dispute;

(ii) the number and types of Village Disputes handled by the Village in the past year;

(iii) action taken to resolve the Village Dispute and the outcomes; and

(iv) any changes made or proposed to be made to address any issues identified as requiring a broader response.

(**Dispute Report**)

(b) The Operator is required to maintain the confidentiality of the parties concerned. For that reason, the report will be general in nature, it will not identify the parties concerned and it will not provide any specifics about the complaint, dispute or the outcome achieved.

5.2 Reporting of annual dispute report via myCAV

Within 14 days of the annual general meeting of the residents, the Operator will provide a copy of the Dispute Report to the Director of Consumer Affairs Victoria each year via myCAV.

Resident Village Dispute Form

If you wish to make a Village Dispute in writing, you may use this form if you wish. Your Village Dispute does not need to be made in writing.

1 Your Details

Name: _____

Address: _____

Telephone no.: _____

Email: _____

2 Management Complaint

If your complaint is about the control, management or administration of the Village by the Operator or the Proprietor, or any action (or failure to act) by the Operator or Proprietor that affects residents' use or enjoyment of the Village land, or the provision of services (or failure to provide services) by the Operator to the residents of the Village, please provide details below:

_____

_____

_____

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3 Complaint about or dispute with another resident

If your complaint is a Resident Dispute, being a dispute between residents in the Village about any action (or failure to act by residents in the Village) that affects the use and enjoyment of the Village by other residents, or the use of services by other residents in the Village, being services provided to the residents in the Village by the Operator, please provide details, below:

4 Details of other resident:

Name: _____

Address: _____

Telephone no.: _____

Email: _____

5 Nature of the dispute:

_____

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_____

6 What is the outcome you seek?

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_____

_____

Date of this notification: _____

Your signature: _____

Date received by Operator: _____

PRIVACY NOTICE

I/we agree to my/our personal information being collected, used and disclosed for the purposes of my Village Dispute at the Village. You may disclose my/our personal information to any employee or contractor or to a third party or person involved in the management of the Village. I/we acknowledge that I/we may obtain more information about how my/our personal information may be used or to access the information you hold about me/us by asking for a copy of the Villages' Privacy Policy.