

DISPUTE RESOLUTION POLICY

Policy Statement

All Retirement Villages are required to establish and maintain a procedure for dealing with village disputes under the Retirement Villages Act 1986 (Vic) (the Act). This document sets out that procedure.

It explains:

- how a resident can give notice of a village dispute;
- how we will deal with a village dispute once notice is given;
- the protections that apply to a resident who gives notice of a village dispute; and
- how a resident can seek external advice or conciliation.

This procedure has been prepared to comply with Part 6D of the Act. It does not replace or limit any rights a resident has under the Act, the Retirement Villages Regulations (the Regulations), any other law, or any agreement between Anchor Point and the resident.

What is a Dispute?

A dispute is a matter that has not been resolved through the complaints process and requires a more formal process. Importantly, a complaint or request is not a village dispute simply because it asks a person to do or stop doing something. A matter becomes a village dispute when it falls within one of the definitions below:

- **Management Dispute** - A dispute between a resident and the operator or proprietor of the village about:
 - the control, management or administration of the Village by the Operator or proprietor;
 - 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 residents of the Village.

For an inclusive list of specific matters refer to Part 1 3E of the Act.

- **Resident Dispute** - A dispute between residents of the Village about any action or failure to act by residents that affects:
 - the use and enjoyment of the Village land by other residents; or
 - the use of services by other residents, being services provided by the Operator.

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We agree to handle your dispute in the strictest confidence, respecting your rights and privacy, without discrimination or bias. We will only act on your complaint with your consent.

Procedure

Management Dispute

If you have a dispute against the Operator, you may choose any of the following procedures to assist you in resolving your complaint:

- Seek advice from Consumer Affairs Victoria (CAV). The contact details of CAV are:
 - City Office: 121 Exhibition Street, Melbourne VIC 3000
 - Postal Address: GPO Box 123, Melbourne VIC 3001
 - Helpline: 1300 558 181
 - Website: www.consumer.vic.gov.au
- Apply for conciliation through VicAssist Retirement Villages, the retirement villages free conciliation service. The contact details are:
 - Phone: 1300 528 994
 - Website: www.vic.gov.au/retirement-village-dispute-help
- Seek assistance from the Victorian Civil and Administrative Tribunal (VCAT). The contact details are:
 - Street address: 308 La Trobe St, Melbourne VIC 3000
 - Postal address: GPO Box 5408, Melbourne VIC 3001
 - Phone: 1300 018 228
 - Website: www.vcat.vic.gov.au
- Seek independent legal advice or use another external service or dispute resolution body.

The Resident is not required to use the Internal Dispute procedure before seeking advice.

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Resident Dispute

If you have a dispute against another resident, you may choose any one of the following procedures to assist you in resolving the dispute:

- Speak with the other resident and attempt to directly resolve the dispute.
- Use our Internal Dispute resolution procedure which is outlined in this document.
- Seek advice from Consumer Affairs Victoria (CAV). The contact details of CAV are:
 - City Office: 121 Exhibition Street, Melbourne VIC 3000
 - Postal Address: GPO Box 123, Melbourne VIC 3001
 - Helpline: 1300 558 181
 - Website: www.consumer.vic.gov.au
- Apply for conciliation through VicAssist Retirement Villages, the retirement villages free conciliation service. The contact details are:
 - Phone: 1300 528 994
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 - Street address: 308 La Trobe St, Melbourne VIC 3000
 - Postal address: GPO Box 5408, Melbourne VIC 3001
 - Phone: 1300 018 228
 - Website: www.vcat.vic.gov.au
- Seek independent legal advice or use another external service or dispute resolution body.

If you choose to use our internal dispute resolution procedure, the operator cannot take any action to resolve the dispute if all the relevant parties do not consent to the operators involvement or if this would duplicate or be inconsistent with or override any other law or the provisions of the residence or management contract entered into by the complainant.

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Internal Dispute Procedure

Who to Contact:

Primary Contact Information

Jane Harris
Village Manager
Phone: 03 55598299
E: jharris@endeavourliving.com.au
Postal Address:
55 Aberline Rd
Warrnambool VIC 3280

Alternative Contact Information

Tim Scarborough
Village Owner
Phone: 0425 739 438
E: tscarborough@endeavourliving.com.au
Postal Address:
55 Aberline Rd
Warrnambool VIC 3280

You may give notice to the alternative contact person if:

- the dispute involves the primary contact person; or
- the primary contact person is not available, or is not empowered to deal with the dispute.

How to give notice:

Notice may be given in any of the following ways:

- **Verbally:** by describing the dispute to the relevant contact person in person or by telephone;
- **In writing, by post:** by sending a document describing the dispute by post to the postal address of the relevant contact person;
- **In writing, in person:** by giving a document describing the dispute, in person, to the relevant contact person; or
- **In writing, by electronic communication:** by sending a document describing the dispute in accordance with the Electronic Transactions (Victoria) Act 2000 (for example by email), to the relevant contact person.

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How we will deal with your dispute:

As soon as practicable after receiving notice of a village dispute we will:

- Create a written record of the dispute in accordance with the Regulations; and
- Give a copy of that record to the resident who gave the notice.

We will not do this if the person who received the notice believes on reasonable grounds that the dispute has been settled to the satisfaction of the resident who gave the notice.

We will work to resolve the dispute in a way that is timely, impartial, respectful, and consistent with the Act, the regulations and any applicable contract. In doing this, we will:

- Acknowledge receipt of the notice and confirm who will be responsible for handling the dispute;
- Discuss the dispute with the resident who gave the notice as necessary, to clarify the issues and the outcome the resident is seeking, and to obtain any supporting information the resident may be able to provide to evidence or support their position;
- Investigate the matters the subject of the dispute, including by speaking to any other person who we consider may be able to provide information about the dispute;
- Where the dispute is a resident dispute, invite each resident who is a party to the dispute to describe their perspective, and facilitate a discussion between them if they agree.
- Identify and recommend options to resolve the dispute;
- Regularly keep the resident informed of progress.

If a village dispute is not resolved to the satisfaction of the resident or residents who are parties to the dispute within 72 hours after notice was given, we will create and maintain a written record of the dispute in accordance with the Regulations.

We will not take any action in relation to a village dispute that might reasonably be regarded as:

- Deterring a person from giving notice of the dispute; or
- Causing detriment to a resident because that resident, or another resident, has given or proposes to give notice of the dispute.

We will only use or disclose information relating to a village dispute as permitted by the Act and Regulations. That includes giving information to the Director of Consumer Affairs so they can carry out their functions, duties and powers under the Act.

A resident who is party to a village dispute may be represented by another person (for example, a family member, friend, advocate or legal representative) when dealing with the dispute.

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In accordance with the Act, this procedure does not, and will not be applied to:

- Enable us to take any action without the consent of a resident who is party to the dispute;
- Take any action that is inconsistent with or purports to override any other law;
- Take any action that is inconsistent with or purports to override the provisions of any contract between us and a party in the dispute;
- Require notification of a village dispute in writing; or
- Prevent a resident who is party to a village dispute from being represented by another person when dealing with the dispute.

We will keep a record of all village disputes we have been given notice of, including records of any outcome reached and any action taken in relation to each dispute. These records will be maintained in accordance with the Act, the Regulations and in accordance with our privacy obligations.

At the annual meeting of residents, we will report, without identifying the parties to any village dispute, on:

- The number and nature of village disputes we have received notice of in the previous year;
- The outcome of each such dispute, including any action taken to resolve the dispute; and
- Any changes made or proposed to be made to address issues arising out of a dispute.

Within 14 days after the annual meeting of residents, we will provide a copy of the report given to residents at the meeting to the Director of Consumer Affairs.

We will make this procedure available:

- On request to any resident (or prospective resident) who asks for a copy, within 2 business days;
- On our village website.