

# Village Dispute Procedure

## Mingarra Retirement Living



### Section 1 – Purpose of this procedure

We 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 Aveo and the resident.

### Section 2 – Key terms

In this procedure, the following terms have the meanings given by the Act.

<b>Village dispute</b>	Either a management dispute or a resident dispute.
<b>Management dispute</b>	<p>A dispute between a resident and the Operator or proprietor of the Village about:</p> <ul style="list-style-type: none"><li>• the control, management or administration of the Village by the Operator or proprietor;</li><li>• any action or failure to act by the Operator or proprietor that affects residents' use or enjoyment of the Village land; or</li><li>• the provision of services, or a failure to provide services, by the Operator to residents of the Village.</li></ul> <p>It also includes the specific matters listed in section 3E of the Act (such as disputes about permission for a person to live in the Village, renovation or reinstatement works, condition reports, maintenance charges, and variations to services or facilities).</p>
<b>Resident dispute</b>	A dispute between residents of the Village about any action or failure to act by residents that affects:

	<ul style="list-style-type: none"> <li>the use and enjoyment of the Village land by other residents; or</li> <li>the use of services by other residents, being services provided by the Operator.</li> </ul>
<b>Operator, resident, and proprietor</b>	These terms have the meanings given in section 3(1) of the Act.
<b>Director</b>	Means the Director of Consumer Affairs Victoria (CAV).

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 above.

### Section 3 – Contact persons for the village

A resident may give notice of a village dispute to either of the persons listed below.

Contact details	Primary contact person	Alternative contact person
<b>Name</b>	Catherine Inifer	Valetta Johnston
<b>Position</b>	Community Manager	General Manager - Operations, Aveo Group
<b>Telephone</b>	0472 816 916	03 8613 1522 / 0414 679 250
<b>Postal address</b>	Mingarra Retirement Living, 77-115 Mt Dandenong Road, Croydon VIC 3136	Aveo Melbourne Office, Suite 101, Level 1, 37 Little La Trobe Street, Melbourne VIC 3000
<b>Email address</b>	catherine.inifer@aveo.com.au	valetta.johnston@aveo.com.au

### Section 4 – How to give notice of a village dispute

#### Who may give notice?

A resident of the village who is involved in a village dispute may give notice of the dispute.

#### Who to give notice to?

Notice of a village dispute may be given to:

- the primary contact person identified in Section 3 of this procedure; or

- the alternative contact person identified in Section 3, if the dispute involves the primary contact person, or if the primary contact person is not available or is not empowered to deal with the dispute.

### **How can notice be given?**

Notice may be given in any of the following ways:

- (1) **verbally:** by describing the dispute to the relevant contact person in person or by telephone;
- (2) **in writing, by post:** by sending a document describing the dispute by post to the postal address of the relevant contact person;
- (3) **in writing, in person:** by giving a document describing the dispute, in person, to the relevant contact person; or
- (4) **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.

We will accept notice given in any of these forms. We will not require a resident to submit a written notice or complete a particular form in order for notice to be valid.

## **Section 5 – How we will deal with a village dispute**

### **Acknowledging and recording notice**

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

- (1) create a written record of the dispute in accordance with the Regulations; and
- (2) 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.

### **Internal process for resolving the dispute**

After receiving 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:

- (1) acknowledge receipt of the notice and confirm who will be responsible for handling the dispute;
- (2) 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;
- (3) 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;

- (4) 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.
- (5) identify and recommend options to resolve the dispute;
- (6) regularly keep the resident informed of progress.

### **Disputes not resolved within 72 hours**

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.

## **Section 6 – Protections for residents**

### **No detrimental action**

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.

### **Confidentiality of information relating to the dispute**

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

### **Right to be represented**

A resident who is a 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.

### **Limits on this procedure**

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 a 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 to the dispute;
- require notification of a village dispute to be in writing; or
- prevent a resident who is a party to a village dispute from being represented by another person when dealing with the dispute.

## Section 7 – External advice and conciliation

### Seeking advice from the Director

A resident may seek advice on a village dispute from the Director, or from an officer or employee of the office managed by the Director for the purposes of administering Part 6D of the Act. The resident is not required to use this internal procedure before seeking that advice.

The details of that office are:

<b>Office name</b>	Consumer Affairs Victoria — Retirement Villages
<b>Public contact telephone</b>	1300 55 81 81
<b>Postal address</b>	GPO Box 123, Melbourne VIC 3001

### Conciliation

A resident, the operator or the proprietor may apply to the Secretary of the Department of Government Services for the dispute to be conciliated. Information about the conciliation scheme can be obtained from Consumer Affairs Victoria.

### VCAT

Nothing in this procedure prevents a resident, the operator or the proprietor from exercising any right they may have to apply to the Victorian Civil and Administrative Tribunal (also known as VCAT), or another court or tribunal if appropriate, in relation to a village dispute.

## Section 8 – Records and reporting

### Records kept by the Operator

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.

### Annual report to residents

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.

## Report to the Director

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

## Section 9 – Availability of this procedure

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.

## Section 10 – Questions about this procedure

Any questions about this procedure (as distinct from notice of a village dispute) may be directed to the primary contact person whose details are set out in Section 3 above.

## Document control

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