Village Dispute Resolution Procedure

For: Classic Residences, 3 Brewer Road, Brighton East, Victoria (the **Village**)

1. About this document

This document sets out our process for resolving village disputes under the Retirement Villages Act 1986 (VIC) (**Act**).

This document is written in plain language and is intended to be easy to understand.

2. Objectives

The objectives of this document are to:

(a) set out the dispute resolution process for the Village as required under the Act;

(b) ensure that village disputes at the Village are handled fairly, promptly and respectfully, and resolved effectively to the satisfaction of all parties; and

(c) where possible, without the need for any person to seek to resolve a village dispute using a legal or external resolution process.

3. No rights excluded

Nothing in this document:

(a) takes away any person's right to seek to resolve a village dispute under any other process that may be available to them, including any relevant process under the Act or any strata schemes legislation that applies to the Village; or

(b) requires any person to participate in the process in this document before exercising any rights available to them at law.

Participation in this village dispute resolution process is encouraged but not mandatory.

4. Resident Services Hotline

We operate a separate Resident Services Hotline, which you may use for general enquiries, feedback or compliments.

You can access the hotline by calling 1800 571 829 or emailing residentservices@keyton.com.au. The hours of operation are 9:00am to 5:00pm AEST (Monday to Friday). If you contact us outside of these hours, we will respond to you within a further 24 to 72 hours.

The purpose of the hotline is to provide you with an option to engage with us if you have a concern, general feedback, or a compliment for one of our Retirement Villages. You can do so anonymously if you wish. However, we encourage you to directly communicate with the manager of your Retirement Village as your first point of contact.

The hotline is not intended for use in raising a village dispute. If you wish to do so, you may follow the procedures in this document instead.

5. Scope

5.1 What is a Village Dispute

Either a management dispute or a resident dispute.

5.2 What is a Management Dispute

A dispute between a resident and the Operator of the Village about:

(a) the control, management or administration of the Village by the Operator;

(b) any action or failure to act by the Operator that affects residents' use or enjoyment of the Village land; or

(c) the provision of services or a failure to provide services by the Operator to residents of the Village.

A management dispute also includes specific matters listed in Section 3E of the Act such as disputes about permission for a person to live in the Village, addition, removal or alteration of a fixture or fitting, renovation or reinstatement works, condition reports, maintenance charges, emergency and safety matters and variations to services or facilities.

5.3 What is a Resident Dispute

A dispute between residents of the Village about any action or failure to act by residents that affects:

(a) the use and enjoyment of the Village land by other residents; or

(b) the use of services by other residents, being services provided by the Operator.

5.4 What is not covered

A village dispute does not include:

(a) general or specific feedback given to us, or a concern expressed to us, by a Resident;

(b) a general request for us to take action or cease taking an action on a particular matter; or

(c) a dispute being dealt with under a legal or other resolution process, such as an application to the Tribunal or conciliation under Part 6E of the Act.

5.5 We may ask for clarification

If we are unsure whether a Resident is wanting to raise a village dispute under this document, we will ask the Resident to clarify whether they are intending to do so.

5.6 Who may use this document

A dispute may be raised, under this document:

(a) by a Resident personally; or

(b) on behalf of a Resident by any of the following persons who provide us with satisfactory written evidence of their authority to act for the Resident:

(i) a person acting under a valid and current power of attorney;

(ii) a solicitor or other legal representative;

(iii) an executor or administrator of a Resident's estate (if they are deceased);

(iv) an organisation or association that represents the interests of retirement village residents in Victoria; or

(v) any other person a Resident authorises to represent them under this document.

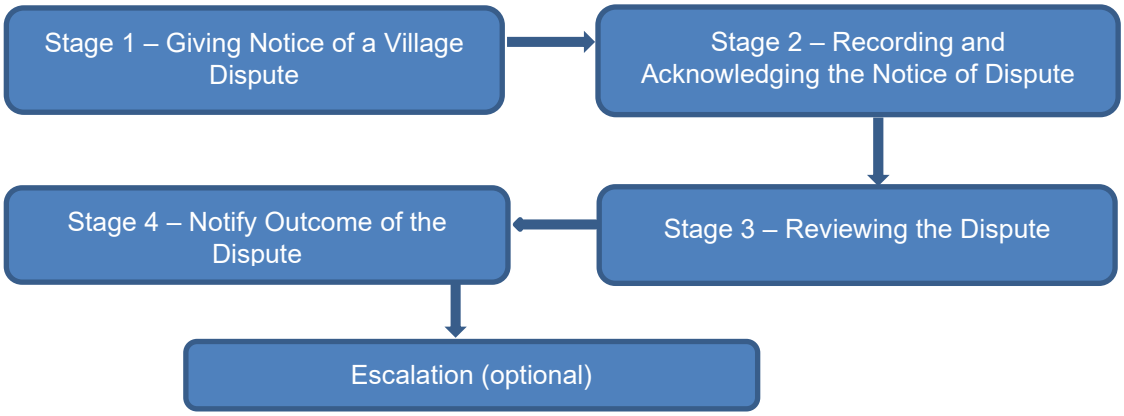
5.7 No fees or charges

We will not impose any fee or charge on a Resident for raising a village dispute under this document.

6. Village Disputes

6.1 Overview

A visual overview of the village dispute resolution process is as follows:



6.2 Stage One – Giving Notice of a Village Dispute

A village dispute notice may be given:

(a) verbally by describing the dispute to the relevant contact person in person or by telephone; or

(b) in writing by:

(i) sending a document describing the dispute by post to the postal address of the relevant contact person;

(ii) giving a document describing the dispute, in person, to the person to the relevant contact person; or

(iii) sending a document describing the dispute, by electronic communication in accordance with the *Electronic Transactions (Victoria) Act 2000 (for example by email)* to the relevant contact person.

A Resident may give notice of a dispute to:

(a) the primary contact person identified below, or

(b) the alternative contact person identified below, if the dispute involves the primary contact person, or if the primary contact person is not available or empowered to deal with the dispute.

Contact Details	Primary Contact Person	Alternative Contact Person
Name	Mika Verosaari	Andrew O'Connor
Position	Village Manager	Regional Operations Manager
Telephone	0429 403 871	0408 322 498
Postal Address	Classic Residences 3 Brewer Road, Brighton East, VIC 3187	Keyton Level 45, Bourke Place, 600 Bourke Street, Melbourne, VIC 3000
Email Address	mika.verosaari@keyton.com.au	andrew.oconnor@keyton.com.au

A Resident can also give notice of a dispute by providing details of the dispute to a staff member at the Village Manager's office during its normal hours of operation. They will refer the dispute to the Primary Contact Person or Alternative Contact Person as specified by the Resident (or if no person is specified, to the Primary Contact Person).

Full details of the dispute should be provided, including:

(a) the relevant facts and circumstances;

(b) the person/s involved, including any relevant Residents and Village staff;

(c) dates, times and locations of relevant events;

(d) copies of any relevant documents;

(e) any previous actions taken by the Resident or our staff to resolve the dispute;

(f) the Resident's desired outcome to resolve the dispute; and

(g) the Resident's contact details.

When receiving the notice of dispute, the manager to whom the dispute has been raised with will listen to the Resident and make notes, if required, and may:

(a) ask the Resident to provide further details or clarify any matters about which the dispute is made;

(b) establish the Resident's desired outcome;

(c) try to resolve the dispute immediately. If the dispute is resolved to the satisfaction of the Resident at this stage, no further steps will be taken under this process.

We will treat all village disputes confidentially.

6.3 Stage Two – Recording and Acknowledging the Notice of Dispute

If the dispute is not resolved in Stage One, as soon as practicable after receiving notice of a village dispute, we will:

(a) create a written record of the dispute in accordance with the *Retirement Villages Regulations 2026* (**Regulations**); and

(b) give a copy of that record to the resident who gave the notice.

We will write to the Resident to acknowledge receiving the notice of dispute. Our acknowledgement will set out:

(a) the person we have appointed within our organisation to review and manage the dispute;

(b) an expected date by which the dispute will be resolved (where possible); and

(c) any further information or actions required from the Resident in order for us to understand the dispute or start reviewing it.

Our acknowledgement will also include a copy of this document so that the Resident is fully aware of the process that we will follow to resolve the village dispute.

6.4 Stage Three – Reviewing the Dispute

After recording and acknowledging the notice of dispute and receiving any further requested information or documents from the Resident, we will review the dispute as soon as practicable.

We will review the dispute in the way we consider will result in the dispute being fully resolved as soon as possible. This may involve:

(a) investigating the facts and circumstances of the dispute;

(b) requesting and considering further information or documents from the Resident;

(c) collecting relevant information from staff within our organisation, other Residents and any other relevant persons;

(d) 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;

(e) identify and recommend options to resolve the dispute;

(f) considering or obtaining advice about how the Act and/or relevant village contracts apply to the situation, if necessary;

(g) examining our processes and procedures; and

(h) seeking professional advice if needed.

If we ask the Resident to provide further information or documents, these should be provided to us as soon as possible in order for the dispute to be resolved in a timely manner.

When reviewing the dispute, we will:

(a) regularly update the Resident about our progress;

(b) not take any action to resolve the dispute without the Resident's consent;

(c) not take any action that duplicates, is inconsistent with or breaches the Act or another law, a village contract, a village rule or a by-law;

(d) escalate the review to more senior levels of management, if necessary;

(e) seek legal or other advice as we consider necessary; and

(f) comply with all relevant privacy laws and our organisation's privacy policy.

We will stop reviewing the dispute and inform the Resident that the dispute is no longer being handled under this process if the dispute is:

(a) resolved to the satisfaction of the Resident;

(b) withdrawn by the Resident;

(c) unable to be fully reviewed because the Resident does not provide us with information or documents requested; or

(d) pursued or escalated by the Resident via a legal or other disputes resolution process, such as by making an application to the Tribunal or conciliation under Part 6E of the Act.

6.5 Stage Four – Notify Outcome of the Dispute

We will write to the Resident to notify them of the outcome of our review of the dispute.

We will endeavour to complete our review, and provide the written notice to the Resident, as soon as practicable or within the timeframe stated in our initial acknowledgement of the notice of dispute.

The written notice will advise the Resident on whether their dispute is resolved or cannot be resolved and the details or reasons relating to that outcome.

If the written notice advises that the dispute is resolved, once we have provided the written notice to the Resident and any relevant step/s set out in the notice have been taken, the dispute will be considered resolved, unless the Resident then chooses to escalate the dispute to a more senior level of management within our organisation (see clause 7).

If the written notice advises that the dispute cannot be resolved, once we have provided written notice to the Resident and the reasons why we consider the dispute cannot be resolved, we will inform the Resident that they may seek assistance from any external avenues they consider necessary in relation to their dispute, such as the Code Administrator of the Retirement Living Code of Conduct, Consumer Affairs Victoria, conciliation under Part 6E of the Act or seek independent legal advice.

7. Escalating a Village Dispute

If:

(a) a Resident gives notice of a Village dispute; and

(b) the Resident is not satisfied with how we have handled the dispute or believes we have not properly complied with our obligations in this document,

then the Resident is not required to restart the relevant process but may choose to escalate their dispute to a more senior person within our organisation.

The person to whom the dispute may be escalated in the first instance is:

Contact Details	**Regional Operations Manager** *(if notice of dispute was originally raised with the Primary Contact Person set out in clause 6.2 of this document)*	**Head of Resident Operations** *(if notice of dispute was originally raised with the Alternative Contact Person set out in clause 6.2 of this document)*
Name	Andrew O'Connor	Tamara Rasmussen
Telephone	0408 322 498	0419 436 577
Postal Address	Keyton Level 45, Bourke Place, 600 Bourke Street, Melbourne, VIC 3000	Keyton Level 18, 321 Kent Street, Sydney, NSW 2000
Email Address	andrew.oconnor@keyton.com.au	tamara.rasmussen@keyton.com.au

The Resident may escalate the matter to the relevant person named above, either verbally or in writing, by:

(a) contacting that person directly; or

(b) asking us to escalate the matter to that person on the Resident's behalf.

The person to whom the notice of dispute is escalated will:

(a) write to the Resident to acknowledge their escalation of the relevant matter and to set out their expected timeframes for further reviewing and resolving the matter (which will be decided based on the issues involved);

(b) conduct a further review of the dispute; and

(c) write to the Resident to inform them of the outcome of their review.

When that person has notified the Resident of the outcome of their further review, the dispute will be deemed resolved, unless the Resident chooses to further escalate the relevant matter (see clause 9 below).

If a dispute is escalated to the Regional Operations Manager under this clause 7 and the Resident is still not satisfied with how we have handled the dispute or believes we have not properly complied with our obligations in this clause 7, then the Resident may further escalate the dispute to the Head of Resident Operations (named above). If that occurs, we will follow the same review procedure set out in this clause in relation to the dispute, after which the dispute will be deemed resolved.

8. Owners Corporation Complaint

If your complaint arises from an issue covered by the *Owners Corporations Act 2006*, then you should follow the procedures set out in the *Owners Corporations Act 2006* and in Rule 7 of Schedule 2 (Model Rules For An Owners Corporation) of the *Owners Corporations Regulations 2018*.

Under Part 10 of the *Owners Corporation Act 2006*, a complaint may be made by a lot owner or an occupier of a lot or a manager of an obligation under the *Owners Corporation Act 2006* or the regulations or the rules. The procedure set out in the rules is set out in rule 7 which is reproduced below in clause 8.1.

8.1 Rule 7 - Dispute Resolution

(1) The grievance procedure set out in this rule applies to disputes involving a lot owner, manager, or an occupier or the owners corporation.

(2) The party making the complaint must prepare a written statement in the approved form.

(3) If there is a grievance committee of the owners corporation, it must be notified of the dispute by the complainant.

(4) If there is no grievance committee, the owners corporation must be notified of any dispute by the complainant, regardless of whether the owners corporation is an immediate party to the dispute.

(5) The parties to the dispute must meet and discuss the matter in dispute, along with either the grievance committee or the owners corporation, within 28 calendar days after the dispute comes to the attention of all the parties.

(5A) A meeting under subrule (5) may be held in person or by teleconferencing, including by videoconference.

(6) A party to the dispute may appoint a person to act or appear on the party's behalf at the meeting.

(6A) Subject to subrule (6B), the grievance committee may elect to obtain expert evidence to assist with the resolution of the dispute.

(6B) The grievance committee may obtain expert evidence to assist with the resolution of a dispute if the owners corporation or the parties to the dispute agree in writing to pay for the cost of obtaining that expert evidence.

(7) If the dispute is not resolved, the grievance committee or owners corporation must notify each party of the party's right to take further action under Part 10 of the *Owners Corporations Act 2006*.

(8) This process is separate from and does not limit any further action under Part 10 of the *Owners Corporations Act 2006*.

9. External avenues

If:

(a) a village dispute is handled in accordance with this document, and the Resident is not satisfied with the outcome; or

(b) we do not properly comply with this document,

then either party may seek assistance from any external avenues they consider necessary in relation to the subject of their dispute.

In accordance with the Act (Part 6E: Sections 38ZD – 38ZZH), a resident may also choose the following:

9.1 Conciliation

Under Part 6E of the Act, the Resident 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.

Residents will generally be expected to first try and resolve their dispute through this document.

The role of the conciliation scheme is to provide an accessible, fair, supportive, efficient and effective process where an impartial conciliator will help the Resident to find a practical resolution.

An application or referral for conciliation will be assessed as to whether the dispute is suitable to be conciliated under Part 6E of the Act, or whether the dispute is not suitable for conciliation and the application or referral rejected. Within 10 business days after making an assessment, written notice will be given of the decision to all parties of the dispute.

Some matters may not be suitable for conciliation, such as those involving unwilling parties, legislative breaches or cases already before the Tribunal.

If during conciliation of the dispute, the parties agree to a settlement, the conciliator will issue a written record of the agreement, which includes any actions that must be taken (including any payment that is to be made), any actions that a party must cease taking and if relevant, the time within which an action is to be take or is to cease.

If resolution of the dispute is not achieved through conciliation, the conciliator will issue a no resolution certificate to the parties involved, that the matter has not been resolved and

advise further available options for the parties to resolve the dispute, including any application that may be made to the Tribunal or a court.

9.2 Victorian Civil and Administrative Tribunal (Tribunal)

If a Resident or us claim that a village dispute has arisen between the Resident and us, the Resident or us may apply to the Tribunal for (and the Tribunal may make) an order in relation to the dispute.

Nothing in this procedure prevents a Resident or the Operator from exercising any right they may have to apply to the Tribunal, or another court or tribunal if appropriate, in relation to the village dispute.

10. External sources of advice and assistance

External bodies that may be available to advise or assist a Resident include:

Consumer Affairs Victoria (CAV)	Victorian Civil and Administrative Tribunal (VCAT)
1300 558 181	1300 018 228
GPO Box 123, Melbourne VIC 3001	GPO Box 5408, Melbourne VIC 3001
www.consumer.vic.gov.au	www.vcat.vic.gov.au

Code Administrator of the Retirement Living Code of Conduct	Seniors Rights Victoria
admin@rlcode.com.au	(03) 9655 2129
www.awisemove.com.au/code-of-conduct/	www.seniorsrights.org.au

Council on the Ageing (COTA) Victoria	Law Institute of Victoria Referral Service
03 9655 2100 or 1300 135 090	(03) 9607 9311
www.cotavic.org.au	www.liv.asn.au

Residents of Retirement Villages Victoria (RRVV)
(03) 9015 8402
www.rrvv.org.au

11. Record keeping

We will comply with our obligation in the Act to keep a written record of the following information about village disputes that are made under this process:

(a) Establish an electronic file or physical file relating to the dispute;

(b) Record the following (if known) in the file, as soon as practicable:

(i) details of each dispute, including the name and contact details of each Resident concerned (or their representative) and the date the notice of dispute was made;

(ii) details of the resolution sought by the resident who gave notice of the dispute, if known;

(iii) whether the notice of dispute was given orally or in writing;

(iv) keep copies of any correspondence or other documentation given by the resident who gave notice of the dispute;

(v) details of actions taken in response to each dispute, including the names and contact details of all staff involved in the handling of the dispute and the date each action was taken;

(vi) whether the dispute was resolved, withdrawn, referred or escalated or another outcome was achieved; and

(vii) the number of village disputes handled in each calendar year.

We must keep these records for at least 7 years after the day on which the notice of dispute was received.

A written record of a dispute will not be kept if:

(a) we believe on reasonable grounds that the dispute has been settled within 72 hours of the notice being given; and

(b) has been resolved to the satisfaction of the Resident or parties to the dispute who gave the notice.

12. Annual Report to Residents

A report on disputes will be summarised on an annual basis to be presented at the annual meeting of the residents of the village, which will include:

(a) the number and nature of village disputes we have received notice of in the previous year;

(b) the outcome of each such dispute, including any action taken to resolve the dispute; and

(c) any changes made or proposed to be made to address issues arising out of a dispute.

This report will **not** identify the parties to the dispute.

We will provide a copy of the report presented to the residents at the annual meeting of the village to the Director of Consumer Affairs Victoria within 14 days of the date on which the annual meeting is held.

13. Staff training

We will ensure that all relevant staff:

(a) understand our commitment to resolving village disputes (and not discourage a resident or their representative from raising a notice of dispute);

(b) are aware of the processes in this document; and

(c) where they are involved in handling village disputes, receive proper and ongoing training to carry out their responsibilities.

14. Reviewing our processes

We will:

(a) monitor our compliance with the process in this document; and

(b) every 2 years, review the process in this document.

15. We must provide a copy

We must:

(a) make a copy of this document publicly available on our website;

(b) post a copy of this document on a community notice board at the Village; and

(c) on request, provide a copy of this document to a resident (or prospective resident) within 2 business days of the request being made.

16. Definitions

In this document, unless the contrary intention appears:

Act means the *Retirement Villages Act 1986* (VIC), as amended or replaced from time to time.

Management Dispute has the meaning given in clause 5 of this document.

Resident means a person who is, or was, a 'resident' of the Village under the Act, including any person described in the Act as a non-owner resident or owner resident.

Resident Dispute has the meaning given in clause 5 of this document.

Tribunal means the Victorian Civil and Administrative Tribunal.

Village means the retirement village named at the beginning of this document.

Village Dispute has the meaning given in clause 5 of this document.

We, **us** or **our** means the operator of the Village under the Act from time to time, which at the date of this document is Keyton Holding Pty Ltd ACN 613 131 187 as trustee for the Keyton Trust ABN 44 349 706 307.

17. Contact

If you have any queries about the process in this document, please contact the primary contact person whose details are set out in clause 6.2 of this document.