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Lawyers

**Uniting AgeWell**

**Victorian**  
**Independent Retirement Living Units**

**COMPLAINT/DISPUTE RESOLUTION POLICY**

**Retirement Villages Act 1986 (Vic)**  
**Retirement Villages (Records and Notices) Regulations 2015 (Vic)**

## PART 1 - RESIDENT'S COMPLAINTS

The *Retirement Villages Act 1986* (Vic) and the *Retirement Villages (Records and Notices) Regulations 2015* (Vic), require the management of Costa Court Serviced Apartments, namely Uniting AgeWell of 130 Little Collins Street, Melbourne, Victoria 3000 ("Management") to establish and maintain a procedure for dealing with complaints made by residents against Management, or by residents against other residents.

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

### 1. Who can resolve complaints against Management?

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

1.1. Use our internal complaint/dispute resolution scheme, which is outlined in this document

1.2. Seek assistance from Consumer Affairs Victoria ("**CAV**"). CAV offers a free dispute resolution service. The contact details of CAV are as follows:

City office:	121 Exhibition Street, Melbourne VIC 3000
Postal address:	GPO Box 123, Melbourne VIC 3001
Helpline telephone no:	1300 558 181
Website:	<a href="http://www.consumer.vic.gov.au">http://www.consumer.vic.gov.au</a>

1.3. Seek assistance from the Victorian Civil and Administrative Tribunal ("**VCAT**"). The contact details of VCAT are as follows:

Street address:	55 King Street, Melbourne VIC 3000
Postal address:	GPO Box 5408, Melbourne VIC 3001
Telephone no:	1300 018 228
Website:	<a href="http://www.vcat.vic.gov.au">http://www.vcat.vic.gov.au</a>

1.4. Seek independent legal advice or use another external service or dispute resolution body.

### 2. Who can resolve complaints about or disputes with other residents?

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

2.1 Speak with the other resident and attempt to directly resolve the complaint or dispute.

2.2 Use our internal complaint/dispute resolution scheme which is outlined in this document.

2.3 Seek the assistance of the residents' committee (if established) for your Retirement Community ("**Village**").

2.4 Seek assistance from CAV. The contact details of CAV are as follows:

Street address:	121 Exhibition Street, Melbourne VIC 3000
Postal address:	GPO Box 123, Melbourne VIC 3001
Helpline telephone no:	1300 558 181

2.5 Seek independent legal advice or use another external service or dispute resolution body.

Please note that if you choose to use our internal complaint/dispute resolution scheme, Management cannot take any action to resolve the complaint or dispute if all the relevant parties do not consent to Management's 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.

## **PART 2 – OUR INTERNAL COMPLAINT / DISPUTE RESOLUTION SCHEME**

### **1. How to make your complaint**

1.1. Regardless of whether your complaint is against Management or about another resident, you may make your complaint:

1.1.1. in person by contacting your Community Manager, Uniting AgeWell between the hours of 9.00am and 4.00pm from Monday to Friday. The Community Manager can be contacted on telephone no. 1300 783 435; or via our website

1.1.2. if a residents' committee has been established, by contacting the Chairperson of the residents' committee of the Village between the hours of 9.00am and 4.00pm Mondays to Fridays. If the resident's committee has been established, the details of the Chairperson as set out below:

Name: No residents committee\_\_\_\_\_

Unit no.: has been established\_\_\_\_\_

Telephone no.: \_\_\_\_\_

1.2. You may lodge your complaint in writing, if you so wish, by completing a complaint/dispute notification form (a copy of which is attached to this document) or online on our website. The form may be handed to the person to whom you are making the complaint. You do not have to use this form as it is provided for your assistance only.

### **2. Recording your complaint**

If you notify Management of your complaint, upon receipt of your complaint, Management will:

2.1. acknowledge receipt of your complaint in writing; and

2.2. record in the complaints register maintained by the Village:

2.2.1. the date of your complaint;

2.2.2. your name, address and contact details;

2.2.3. if the complaint is in relation to another resident, the other resident's name and address; and

2.2.4. details as to the nature of your complaint or dispute.

### **3. Complaints against Management**

If your complaint is against Management:

- 3.1. Management may, if appropriate or if your complaint is not in writing, provide you with a written summary of Management's understanding of your complaint, the outcome you seek, the steps Management proposes to take and the date by which Management will advise you further, as soon as practicable after receipt of your complaint.
- 3.2. Management and/or the residents' committee of the Village (if established) will investigate your complaint by interviewing any relevant staff with your consent, and reviewing any documents you have provided.
- 3.3. Management will, as soon as practicable after receiving your complaint, advise you in person and/or in writing of the outcome of the investigation by Management, and any action which Management proposes to take so as to address the subject of your complaint and, if appropriate, the date by which Management will advise you further.
- 3.4. If you are dissatisfied with the decision of Management, you may still refer your complaint to CAV, VCAT or any external service or dispute resolution body.

Please note that if your complaint against or dispute with Management is already being dealt with by the residents' committee of the Village (if established), Management cannot intervene by dealing with the complaint or dispute.

### **4. Complaints against or dispute with another resident**

If your complaint or dispute is about another resident at the Village:

- 4.1. Management may, if appropriate or if your complaint is not in writing, provide you with a written summary of Management's understanding of your dispute with the resident, the outcome you seek, the steps Management proposes to take and the date by which Management will advise you further, as soon as practicable after receiving your complaint.
- 4.2. Management will, with your consent, advise the other resident in writing of your complaint and request that the resident provide Management with a response to your complaint within 14 days of the request by Management.
- 4.3. If the other resident agrees to provide a response, and once that response has been received by Management, Management will, again with that resident's consent, notify you of the resident's response. With your consent, Management may further investigate the dispute by interviewing staff or other residents.
- 4.4. Management may facilitate a meeting between you and the other resident to attempt to resolve the dispute, if you both agree to attend the meeting.
- 4.5. Management will advise you in person and in writing of the outcome of the investigation by Management, including the outcome of any meeting between you and the other resident. If Management does not believe that the dispute can be resolved through Management's assistance, Management will advise you of this and suggest that you seek external assistance or the assistance of the residents' committee of the Village (if established).

Please note that if your complaint against or dispute with another resident is already being dealt with by the residents' committee of the Village (if established), Management cannot intervene by dealing with the complaint or dispute.

## 5. Can you be represented by another person?

You may be represented throughout the complaint/dispute resolution process by another person.

# PART 3 - MANAGEMENT'S OBLIGATIONS

The *Retirement Villages Act 1986* (Vic) and the *Retirement Villages (Records and Notices) Regulations 2015* (Vic), require Management to record and report on complaints and disputes.

## 1. Records

- 1.1. If your complaint or dispute is resolved within 72 hours (excluding weekends and public holidays), Management is not obliged to keep detailed ongoing records. However, Management must still keep a record of your complaint, the date the complaint was made, the names of the parties to the dispute, the nature of the problem and the outcome or action taken.
- 1.2. If your complaint or dispute is not resolved within 72 hours (not including weekends and public holidays), Management must:
  - 1.2.1. create a file (physical or electronic) to record the complaint or dispute and maintain such file;
  - 1.2.2. record:
    - a) the date the file was created;
    - b) your name, address and contact details (and those of your representative, if any);
    - c) how your complaint was made; and
    - d) details of the complaint or dispute, including any letters or other documents you have provided to Management in relation to your complaint or dispute;
  - 1.2.3. keep in the file, a dated copy of Management's written advice to you summarising Management's understanding of the matters to be resolved, the steps Management intends to take to resolve your complaint or dispute and the date by which Management will advise you further;
  - 1.2.4. keep in the file, notes of every action Management takes or intends to take in relation to the complaint or dispute;
  - 1.2.5. keep in the file, copies of all letters or other documents Management receives or sends in relation to the complaint or dispute; and
  - 1.2.6. keep in the file, copies of Management's written advice to you once the complaint or dispute has been resolved (and how it has been resolved), or Management's advice that the dispute cannot be resolved (which must include Management's reasons for this decision and contact details for CAV who may provide you with further assistance).
- 1.3. Management is required to retain the file for 7 years.

- 1.4. You may inspect the file by prior arrangements with Management unless there are special circumstances which would make this unreasonable.

## **2. Report to the annual general meeting of residents**

- 2.1. Management is required to report to the annual general meeting of the residents of the Village on the following matters:
  - 2.1.1. the nature of any dispute or complaint that Management has been notified of in the past year and the action taken to resolve the complaint or dispute;
  - 2.1.2. the number and types of complaints or disputes handled by Management in the past year;
  - 2.1.3. action taken to resolve the complaints or disputes and the outcomes; and
  - 2.1.4. any changes made or proposed to be made to address any issues identified as requiring a broader response.
- 2.2. Management 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.

**Uniting AgeWell, Victorian Independent Retirement Living**  
**WRITTEN COMPLAINT FORM**  
(Part 2 Paragraph 1.2)

You may, if you wish, make your complaint in writing. You do not have to use this form as it is provided for your assistance only.

**1. Your details**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone no.: \_\_\_\_\_

**2. Complaints about Management at the Village**

If your complaint is about Management at the Village, set out the nature of your complaint here:

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\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**3. Complaints about or dispute with another resident**

If your complaint is about another resident, or if your dispute is with another resident, complete this section:

Details of other resident: Name: \_\_\_\_\_

Address \_\_\_\_\_

Telephone no. \_\_\_\_\_

Nature of the dispute:

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**4. What is the outcome you seek?**

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**Date of this notification:** \_\_\_\_\_

**Your signature:** \_\_\_\_\_

**Date received by Management:** \_\_\_\_\_