

JENNY MACLEOD RETIREMENT VILLAGE

DISPUTE RESOLUTION POLICY

Retirement Villages Act 1999 (NSW)

Retirement Villages Regulation 2025 (NSW)

1 Purpose and Scope

- 1.1 We are required to have this policy in place under the Act and the Regulations. A copy of this policy (as amended from time to time) is available from us at any time on request and is available from the Village's website.
- 1.2 We invite residents to make comments or raise concerns in relation to the services or accommodation at the Village or with another resident in the manner set out in this document.
- 1.3 We encourage residents to use the onsite dispute resolution process in order to establish communication between the parties and to actively resolve the dispute without mediation or court action.
- 1.4 We agree to handle your dispute in the strictest confidence, respecting your rights and privacy, without discrimination or bias.
- 1.5 We will only act on your dispute with your consent.

2 Interpretation

2.1 Definitions

The following definitions apply for the purposes of this policy:

Act means the *Retirement Villages Act 1999* (NSW);

Management or any reference to **we/us/our** means the operator and/or the proprietor of the Village and includes its employees, agents, contractors and any person authorised to manage or administer the Village or to carry out functions in relation to the Village;

Primary Contact Person and **Alternative Contact Person** mean the following persons nominated by us to receive and manage disputes under the Act:

Primary Contact Person	Darrell Priestland – Village Manager
Postal Address	48 Victory Parade Wallsend NSW 2287
Telephone no.	02 4951 6637
Email address	darrell@jennymacleodretirement.com.au

48 Victory Parade, Wallsend, NSW 2287

Alternative Contact Person	Sue Fernance
Postal Address	48 Victory Parade Wallsend NSW 2287
Telephone no.	02 4951 6637
Email address	sue@jenymacleodretirement.com.au

Regulations means the *Retirement Villages Regulations 2025 (NSW)*;

Village means the retirement village known by the name Jenny Macleod Retirement Village and located at 48 Victory Parade, Wallsend NSW 2287;

you and **your** apply to any resident of the Village.

2.2 What is a 'village dispute'?

There are two kinds of disputes covered by this policy:

(a) **Management disputes**

A management dispute is a dispute between you and us. It may be about things like:

- (i) how the Village is managed or administered;
- (ii) the services or facilities provided to residents;
- (iii) actions (or inactions) by us that affect how you use or enjoy the Village;
- (iv) maintenance and capital works responsibilities; or
- (v) compliance with the Act or Regulations.

(b) **Resident disputes**

A resident dispute is a dispute between residents of the Village about actions of another resident that affect how you or other residents use or enjoy the Village or its services.

(c) **What is not a dispute?**

Under the Act and Regulations, simply asking someone to do something or stop doing something is not a village dispute. A village dispute will only arise when there is a genuine disagreement that has not been resolved informally.

3 Dispute with Management

3.1 If you have a village dispute with Management, you may choose to resolve the matter using any one of the following options:

- (a) use our internal dispute resolution scheme which is as outlined in this document;
- (b) seek assistance from NSW Fair Trading for information and advice on your options (noting that NSW Fair Trading offers a free service), details of which are as follows:

Address	PO Box 972, Parramatta, NSW 2124
Telephone	13 32 20
Web	https://www.nsw.gov.au/departments-and-agencies/fair-trading/complaints-and-enquiries/housing-and-property/retirement-villages

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- (c) if the parties cannot agree, seek assistance from the NSW Civil and Administrative Tribunal (**NCAT**) (noting that a decision from NCAT will be binding on both parties), details of which are as follows:

Address	Level 1, 175 Scott St, Newcastle NSW 2300
Telephone	1300 006 228

- (d) use another external service or dispute resolution body.

4. Dispute with another resident

- a. If you have a dispute with another resident, you may choose any one of the following:
- i. speak with the other resident and attempt to directly resolve the dispute;
 - ii. use our internal dispute resolution scheme which is as outlined in this document; and
 - iii. seek assistance from NSW Fair Trading, or NCAT for information and advice on your options (contact details listed above in section 3.1(b), and 3.1(c).
- b. If you choose to use our internal dispute resolution scheme, you must note that Management cannot take any action to resolve the dispute if all the relevant parties do not consent to Management's involvement.

5. How do you give notice of a village dispute?

- a. You may give notice of a village dispute (**Dispute Notice**) to:
- i. the Primary Contact Person; or
 - ii. the Alternative Contact Person if:
 1. the dispute involves the Primary Contact Person; or
 2. if the Primary Contact Person is not available or able to deal with the dispute.
- b. You may give the Dispute Notice to the Primary Contact Person or the Alternative Contact Person under clause 5.1 in any of the following ways:
- i. verbally describing the dispute, including:
 1. in person; or
 2. by telephone; or
 - ii. in a completed dispute notification form (a copy of which is attached to this document), including:
 1. by post;
 2. by delivering a written notice in person; or
 3. by electronic communication in accordance with the *Electronic Transactions Act (NSW) 2000*.

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6. How will your Dispute Notice be handled?

- a. Upon receipt of your Dispute Notice, the Primary Contact Person (or the Alternative Contact Person) will:
- i. establish an electronic or physical file relating to the dispute;
 - ii. record the following (if known) in that file, as soon as practicable:
 1. the date of the notice;
 2. your name and address;
 3. if the dispute is in relation to another resident, that other resident's name and address;
 4. whether notice of the village dispute was given orally or in writing;
 5. details of the village dispute as described by you;
 6. copies of any correspondence or other documentation;
 7. details of the resolution you sought; and
 8. any other information prescribed under the Regulations; and
- iii. acknowledge receipt of the notice in writing within 5 business days and give a copy of the record to you.
- b. If your Dispute Notice relates to a management dispute, and is in relation to the services provided or any action taken or failure to take action by us in relation to the Village, we will:
- i. provide you with a written summary of our understanding of the dispute and the outcome you seek within 14 days from the date of receipt of your notice;
 - ii. with your consent, investigate the dispute by interviewing any relevant staff and reviewing any documents you have provided to us; and
 - iii. within 14 days of receiving your notice, advise you in person and in writing of the outcome of our investigation, and any action we propose to take to address the subject of the dispute.
- c. If your Dispute Notice relates to another resident at the Village, we will:
- i. provide you with a written summary of our understanding of your dispute with the resident and the outcome you seek within 5 business days from the date of receipt of your notice;
 - ii. with your consent, advise the other resident of the dispute and request that the resident provides a response to your notice within 14 days;
 - iii. if the other resident agrees to provide a response, and once that response has been received by us, we will, again with that resident's consent, notify you of the resident's response. With your consent, we may further investigate the dispute by interviewing staff or other residents;
 - iv. we may facilitate a meeting between you and the other resident to attempt to resolve the dispute, if you both agree to attend the meeting; and
 - v. we will advise you in person and in writing of the outcome of our investigation, including the outcome of any meeting between you and the other resident. If we do not believe that the dispute can be resolved through our assistance, we will advise you of this and suggest that you seek external assistance from NSW Fair Trading or NCAT (as set out in section 3 above).

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7. Can you be represented by another person?

- a. You may be represented throughout the resolution process by another person.

8. Notice of resolution

- a. We must notify you, as soon as practicable if we consider that the village dispute is:
 - i. resolved; or
 - ii. cannot be resolved.
- b. The notice under clause 8.1(a) must set out the details of the resolution of the dispute.
- c. The notice under clause 8.1(b) must:
 - i. set out the reasons why we consider the dispute cannot be resolved; and
 - ii. inform you that you may do the following:
 - 1. contact NSW Fair Trading for assistance;
 - 2. conciliate your dispute under the Act; or
 - 3. seek independent legal advice.

9. Records

- a. If your dispute is resolved, Management must keep a record of:
 - i. your dispute;
 - ii. the date the notice of village dispute was made;
 - iii. the names of the parties to the dispute;
 - iv. the nature of the problem and the outcome or action taken; and
 - v. a copy of the notice of resolution under clause 8.1(a).
- b. If your dispute has not been resolved within 72 hours, Management must:
 - i. create a separate file (physical or electronic) to record your dispute, and to record the date on which the file was created;
 - ii. the reasons why the dispute is considered to not be resolved; and
 - iii. the actions that will be taken to resolve the dispute (if any).
- c. Any records made under this policy by the Primary Contact Person, the Alternative Contact Person or Management must be retained for 7 years.

10. Report

- a. Management is required to report to the annual meeting of residents on the following matters:
 - i. the number and nature of village disputes of which notice has been given in the previous year;
 - ii. the outcome of each dispute, including any action taken to resolve the dispute; and
 - iii. any changes made or proposed to be made to address issues arising out of a dispute.
- b. We are required to maintain confidentiality of the parties concerned. For that reason, the report will be general in nature, will not identify the parties concerned nor will it provide any specifics about the dispute or the outcome achieved.

DISPUTE NOTIFICATION FORM*

JENNY MACLEOD RETIREMENT VILLAGE

(*This form is to be used only if the resident wishes to put the notice in writing)

1 Your details

Name

Address

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Telephone no.:

2 Dispute with management at the Village

Nature of the dispute:

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3 Dispute with another resident

Details of other resident: Name:

Address:

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: