

Dispute Resolution Procedure

Purpose

This procedure sets out how **village disputes** are addressed at Balmoral Gardens Village (**Balmoral**) including receipt, recording, management, resolution and, where required, escalation, in accordance with the requirements under the Retirement Villages Act 1986 and related regulations, as amended from time to time (**Act**).

Procedural Requirements

1. Our commitment

At Balmoral, we are committed to fostering a welcoming, respectful, and supportive community. We recognise that from time to time, concerns or disagreements may arise. We aim to listen carefully, act fairly, keep appropriate records, and resolve concerns as promptly and practically as possible whilst maintaining the dignity of and respect for all Balmoral residents. Balmoral is committed to engendering a dispute free environment in which common sense and a respect for the rights and obligations of all parties, including the broader village community, prevail.

2. What is a village dispute

This procedure outlines how **village disputes** are managed. A **village dispute** includes both **management disputes** and **resident disputes**.

Management disputes are disputes between a resident and the operator, including disputes in relation to village management and administration, services, facilities, maintenance charges, capital maintenance, condition reports, reinstatement and refurbishment works, safety, compliance, operational decisions and any other matters arising under the Act.

Resident disputes are disputes between residents including those affecting the use and enjoyment of the village or the use of village services.

3. How to raise a village dispute

A resident may give notice of a **village dispute** verbally or in writing, including by post, in person or by e-mail.

Notice may be given to the **primary contact person**, or to the **alternative contact person** if the **village dispute** involves the **primary contact person** or the **primary contact person** is unavailable or not empowered to deal with the relevant **village dispute**.

Primary contact person	Alternative contact person
Jody McDonald Village Manager	Ann-Maree Cockburn Sales Manager
Tel: (03) 9800 1333	Tel: (03) 9800 1333
E-mail: jmcdonald@balmoralvillage.com.au	E-mail: sales@balmoralvillage.com.au
Address: 300 Ridge Road, Wantirna South, VIC, 3152	Address: 300 Ridge Road, Wantirna South, VIC, 3152

4. Record of village disputes

As soon as practicable after receiving notice of a **village dispute**, the **primary contact person** or **alternative contact person** will establish an electronic or physical dispute file.

The file will record, if known: the file creation date; resident contact details; representative contact details; whether notice was oral or written; details of the **village dispute**; copies of supporting correspondence or documentation; and the resolution sought by the resident.

A copy of the written record will be provided to the resident who gave notice. All dispute records should be retained by Balmoral for 7 years.

5. Internal resolution process

Balmoral will review the issues raised, gather relevant information, speak with relevant parties where appropriate, and consider practical options for resolution of the **village dispute**.

A resident may be supported or represented by another person at any stage during the dispute resolution process.

Balmoral will in no way discourage a resident from raising a **village dispute** nor cause detriment to a resident because a **village dispute** has been raised by or about them. Balmoral aims to resolve **village disputes** promptly, fairly and respectfully. Balmoral will not take any action that is without the consent of a resident who is a party to the **village dispute**.

6. Outcome notice

As soon as practicable, Balmoral will notify the resident whether the **village dispute** is resolved or cannot be resolved.

If the **village dispute** is resolved, the notice will set out the details of the resolution. If the **village dispute** cannot be resolved, the notice will set out the reasons and inform the resident that they may contact Consumer Affairs Victoria for assistance, seek conciliation under Part 6E of the Act, and/or seek independent legal advice.

A copy of the outcome notice will be kept on the dispute file.

7. Village disputes not settled within 72 hours

If the **village dispute** is not resolved to the satisfaction of the resident or residents within 72 hours after notice is given, Balmoral must maintain a written record stating why the **village dispute** remains unresolved and what further actions will be taken, if any.

8. External advice and conciliation

Consumer Affairs Victoria

A resident may seek advice on a **village dispute** from **Consumer Affairs Victoria (CAV)**. CAV may be contacted online at <https://www.consumer.vic.gov.au/contact-us>, by telephone between 9.00am and 5.00pm Monday to Friday (except public holidays) on 1300 55 81 81 or 132 VIC ([132 842](tel:132842)) and select the 'Consumer Affairs Victoria' option, or in writing via post to Consumer Affairs Victoria, GPO Box 4567, Melbourne VIC 3001.

Conciliation Scheme

A resident (or Balmoral and in some cases, CAV) may apply to have a village dispute conciliated under the new conciliation scheme for retirement villages administered by the **Department of Government Services (DGS)**.

If accepted for conciliation, DGS may seek additional information, conduct a conference in person or by technology, and assist the parties to reach a settlement of the **village dispute**. If conciliation resolves the **village dispute**, DGS may issue a recorded agreement. If it does not resolve the **village dispute**, DGS may issue a no resolution certificate and identify further available options, including VCAT or court proceedings where available.

9. Confidentiality and privacy

Balmoral will handle all information relating to a **village dispute** confidentially and such information will only be used or disclosed as permitted or required by law.

10. Access, reporting and review

If a resident requests, Balmoral will provide a copy of this procedure to the resident within 2 business days of such a request. Please also note that a copy of this procedure is published on Balmoral's website at www.balmoralvillage.com.au.

Balmoral commits to reporting information about **village disputes** annually to residents and to CAV within the required timeframe in accordance with its obligations under the Act.

Balmoral also commits to reviewing **village dispute** trends (if any) and outcomes to support continuous improvement at Balmoral.