



DISPUTE RESOLUTION PROCEDURE

We are Here to Listen

Kensington Gardens Shepparton promotes a culture that values and encourages residents to raise concerns and supports the effective resolution of any disputes.

A dispute can arise between a resident and the operator or proprietor of a retirement village or between residents. Both types are called village disputes and both can be raised through the options below.

We will not discourage a resident from making a dispute. Should the need arise our Dispute Resolution process is easy to access and complies with our privacy rules.

Residents are encouraged to raise any concerns with Management firstly and we support the effective resolution of any dispute raised.

Types of complaints or internal disputes that are covered under this process are general complaints or disputes, concerns regarding non-compliance of Village rules and general complaints or disputes related to material items.

Types of complaints or disputes that are not covered under this process are those involved in legal processes or those that fall under criminal offences such as certain types of harassment. Such matters are beyond the scope of this dispute resolution process and should be referred by you to the appropriate authority, such as the police for criminal matters (by calling 000 for emergencies or crime stoppers on ph. 1800 333 000 for less urgent issues)

Resolution outcomes of disputes will depend on the nature of the concern; the emotional wellbeing of the parties; the expected time frame for a resolution; and the impact of the matter being referred for mediation.

Using our dispute resolution procedure

We will sensitively deal with your dispute using the following resolution process:

1. How to lodge a dispute

In the first instance, you should notify the local Village Manager at Shepparton of your dispute. You can raise your issue with the local Management team by either:

- Meeting in private with Management to notify and lodge your complaint or dispute. This can be either in the administration office, open weekdays between 9am to 5pm; or in the privacy of your home; OR
- If you prefer, by completing the Complaints and Disputes Resolution Form (copy attached). Further copies are available from our administration office.

A completed Dispute Resolution Form should be marked “*Private and Confidential*” and returned to the Management via post or email to the following administration contacts:

Attn: Village Manager
Kensington Gardens Shepparton

Email: glen@kensingtongardens.com.au

80 Channel Road
Shepparton Vic 3630
Ph: (03) 5820 5100

Alternatively, if the dispute relates to local Management or you are dissatisfied with the outcome of the dispute from local management you can lodge a completed Dispute Resolution Form marked “*Private and Confidential*” and returned to the Regional Manager via post or email using the following administration contacts:

Attn: Regional Manager
Kensington Gardens Shepparton
POBox 7312
Albury East NSW 2640
Ph: (02) 6049 3100

Email: tony@kensingtongardens.com.au

Your village dispute will be handled in accordance with our Privacy Policy, by respecting the privacy of the residents or persons involved. We will not use or disclose information about a dispute except as permitted by law.

2. **Acknowledgment of Village Dispute**

We will record details in our Dispute Register and acknowledge receipt to you within 24 hours. We are required to record, and retain these records for 7 years, in accordance with the Retirement Villages Regulation 2026 [VIC]. The details to be recorded in either an electronic file or a physical Register include:

- Date the file was established
- The name address and other contact details of the resident who gave notice of the village dispute
- Date the village dispute was raised and whether given orally or in writing
- Contact details of the resident's representative if any
- Details of the village dispute as described by the person who gave notice of the dispute
- Copies of any correspondence given to the primary contact person or alternative contact person by the resident who gave notice of the village dispute
- Details of the resolution sought and action taken in response to the village dispute, including the names and contact details of any staff involved in handling the dispute
- Date such action was taken;
- Outcome i.e. resolved / withdrawn / referred / escalated / other outcome.

3. Investigation

Our goal is to resolve your dispute as promptly as possible within 72 hours of receiving your village dispute notice. During this period:

- (a) Management may, if appropriate, or if your dispute is not in writing, provide you with a summary of our understanding of your concerns raised, confirm our understanding of the outcome you have advised that you are seeking and the steps that Management proposes to take and timing of such.
- (b) With your consent, Management will investigate the dispute including reviewing any documents you provide and interviewing staff (where relevant).
- (c) Where the lodged dispute is made between residents of the Village, with the complainant resident's consent, we will contact the other resident in writing to advise them of the subject of your dispute and request a response from them within 72 hours of receipt of your correspondence to try to resolve the dispute.

4. Next Steps - Response and Facilitating

Within 3 working days of the village dispute being lodged, Management will:

- (a) Update you on the status / outcome of your village dispute.
- (b) Where the village dispute is raised by you about the Management or Operator or Proprietor of Kensington Gardens Shepparton:
 - (i) Local Management will write or email you to advise you of the outcome of the investigation by Management and any action proposed to be taken to address the subject of the village dispute; or
 - (ii) where further investigation is required, the date by which Local Management will be in a position to respond as outlined in (i) above.
- (c) Where the lodged village dispute is made between residents of Kensington Gardens Shepparton, and the resident the subject of the dispute has provided a written response, Management will notify you of the outcome of your dispute and any further action.

It may be that local Management feels that in order to resolve your village dispute, it is beneficial to facilitate a meeting between you and the other resident the subject of your village dispute, provided you both agree to attend.

Management will endeavour to assist with resolution of your village dispute (and advise you of an expected resolution date where possible) as soon as possible from the date of receipt of your village dispute using areas below.

5. Escalating a dispute

If local Management is unable to handle your village dispute or the subject matter requires escalation, local Management will refer your village dispute to the Regional Manager.

We will contact you within 5 working days of the matter being referred to the Regional Manager with the outcome of your village dispute.

6. External Resolution

If your village dispute has not been resolved to your satisfaction, you can lodge your village dispute with:

- a. The VicAssist Retirement Villages conciliation service
(<https://www.vic.gov.au/retirement-village-dispute-help>)
- b. The Victorian Civil and Administrative Tribunal (VCAT)
(<https://www.vcat.vic.gov.au>)

Alternatively, Consumer Affairs Victoria can also advise you on the most appropriate option for your situation:

Consumer Affairs Victoria
Ph: 1300 55 81 81 or www.consumer.vic.gov.au or
PO Box 4567 Melbourne Vic 3001

Disputes Register

Our Dispute Register will be updated accordingly showing the result/outcome of the dispute. This data will be reviewed annually to monitor our organisational processes and refine or modify our resolution process where required.

Privacy Statement

Any information provided will be treated as private and confidential in accordance with our Privacy Policy and will be retained at Kensington Gardens Shepparton for at least 7 years.

Disputes Resolutions Procedure Review

Kensington Gardens Shepparton will refer to the Dispute Resolution Policy and, in conjunction, will review the Register for each of the above processes every 2 years, and introduce any changes believed to improve the process.

(Kensington Gardens Shepparton also holds on file an internal Dispute Resolution Policy for staff in accordance with the Retirement Villages Act 1986 (VIC).)

VILLAGE DISPUTE NOTIFICATION FORM

KENSINGTON GARDENS SHEPPARTON

1 Your Details

Name _____

Address: _____

Telephone no.: _____

2 Nature of your dispute (circle response)

2.1 Complaint about management at the Village

2.2 Dispute with another resident

Details of other resident:

Name: _____

Address: _____

Nature of the dispute: _____

3 What is the outcome you seek?

Date of this notification: _____

Your signature: _____



VicAssist Retirement Villages

If you're unable to resolve a dispute through your village or Consumer Affairs Victoria, we're here to help.

VicAssist Retirement Villages is a free and voluntary service that helps manage disputes between residents, or between residents and village management.



Types of services

Disputes between residents

- Noise complaints
- Upkeep/tidiness
- Car parking
- Use of village resources
- Pets
- Interpersonal

Disputes between residents and village management

- Contract terms
- Charges and fees (excluding exit entitlements)
- Information sharing (e.g. financial statements)
- Repairs and maintenance
- Renovations and capital works
- Property sales

How it works

1 Get in touch

Complete our online form to tell us about the dispute or call 1300 528 994.

2 Speak with a conciliator

We will provide a dedicated conciliator you can talk to about the issue and how you've tried to resolve it. From here, our conciliator will work with you to determine whether conciliation is the best option.

3 Meet to discuss options

If conciliation is the agreed way forward, we'll arrange a time for all parties to meet, work towards a practical agreement, and outline the next steps.

Please note, **this is a voluntary service**. If an agreement can't be reached, our conciliator will outline alternative options. This may include progressing the dispute with the Victorian Civil and Administrative Tribunal or seeking independent legal advice.



For more information, please visit
vic.gov.au/retirement-village-dispute-help

