

Dispute Resolution Policy - Retirement Living



1. If either we or you have a dispute or difference with each other or you have a dispute or difference with another resident (**the problem**), either you or us may give a written notice to the other specifying the nature of the problem.

4. ~~This dispute resolution policy is intended to guide the process to resolve a problem between us and you. Where the dispute is between you and another resident, this may be resolved independently amongst yourselves, without our direct involvement. However, we are here to assist should you need~~ if you would like, by providing support in navigating the situation, arranging meetings, helping to guide discussions, provide advice, and working towards mutually agreeable resolutions.

2. If you need to notify us of the problem, then your written notice should be given to the ACH Group Management. the Village Manager. Notice can be given in the following ways::

2.1 hHand delivered to the Village Manager of at your village site;

2.2 emailed to retirementliving@ach.org.au; or

2.3 posted to:

ACH Group
22 Henley Beach Rd, Mile End, SA 5031
~~Head Office, Attn: Retirement Living Team, 22 Henley Beach Rd, Mile End, SA 5031.~~

2-3. You may seek advice from any one or more of the following persons or bodies:

~~2-13.1~~ the Office for the Ageing Well;

~~2-23.2~~ the Aged Rights Advocacy Service;

~~2-33.3~~ the Catalyst Foundation;

~~2-43.4~~ the Council on the Ageing SA;

~~2-53.5~~ a lawyer.

4. Unless you have requested for a specific means of communication, we will generally communicate with you by e-mail but may also contact you by post, phone calls, text messages or any other agreed means of communication reasonable in the circumstances.

3-5. Once we receive the notice from you has been received by ACH Group, we will acknowledge receipt of the notice within 3 working days of receipt of the notice. We will hold a meeting should will be held between us and you as soon as convenient (and no later than 14 days after we have received the notice). This meeting will and should explore the following issues:

3-15.1 whether the Residents' Committee should be involved to identify if there are others who are experiencing the same problem;

3-25.2 whether the Residents' Committee may wish to consider the problem as a general issue for discussion;

3-35.3 whether there is any other resident involved who should be brought into the discussions.

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- ~~4-6.~~ Prior to this meeting, we will provide a written response that addresses the substance of the complaint.
- ~~5-7.~~ Once it is established who should be involved in discussions relating to the problem, a further meeting should be convened, preferably within the next week, to have an open discussion on how to resolve the problem.
- ~~6-8.~~ Prior to the further meeting, all of the people who are coming to the meeting will have the opportunity to set out in a document what they think the problem is, any other concerns are, and what they consider will resolve suggested solutions to the problem. Any such document should be provided to all of the participants at least 24 hours before the time of the meeting.
- ~~7-9.~~ We must provide a suitable meeting room for the discussion to take place.
- ~~8-10.~~ All of the people involved in the meeting must treat the matters discussed in that meeting as confidential, unless the others agree to reveal those matters.
- ~~9-11.~~ If a satisfactory resolution to the problem is reached at the meeting, it must be recorded and signed and dated by all of the parties as a proper record of the resolution of the problem. We must keep a copy of the original signed resolution in our records and give photocopies to the others.
- ~~10-12.~~ If the meeting fails to produce a resolution to the problem, then either you or us or any interested parties may seek the assistance of a mediator or conciliator to attempt to resolve the problem. We and you must pay for the cost of the mediator or conciliator in equal shares.
- ~~11-13.~~ The mediator or conciliator may be appointed by the agreement of us and you, and failing agreement, by the President of the Australian Institute of Mediators.
- ~~12-14.~~ Either you or us may withdraw their consent to mediation or conciliation at any time up until the appointment of the mediator or conciliator.
- ~~13-15.~~ Once the mediator or conciliator is appointed, all of the parties to the dispute agree to, in good faith, attempt to settle the problem through mediation or conciliation.
- ~~14-16.~~ Although any of the parties may obtain legal advice, legal representation at the mediation or conciliation is discouraged, although not prohibited.
- ~~15-17.~~ If the mediation or conciliation does not resolve the problem, then the parties may seek to resolve the dispute in accordance with the *Retirement Villages (Miscellaneous) Amendment Act 2016* 2024, Retirement Villages (Codes of Conduct) Amendment Regulations 2025 and any other applicable legislation then in force, or other legal processes.
- ~~16-18.~~ If you are not satisfied with the response or resolution to the problem, you may apply to the South Australian Civil and Administrative Tribunal (the Tribunal). An application to the South Australian Civil and Administrative Tribunal should be the last option in the dispute resolution process and should not be made unless we and you have made reasonable attempts to resolve the problem in accordance with this policy and such attempts fail to resolve the problem.
- ~~17-19.~~ Limitations of time under relevant laws may apply to an Any application ~~must be~~ made to the Tribunal ~~within 4 years after the date on which the act or omission occurred depending on the nature of the application~~, unless we or you obtain the permission of the Tribunal for an extension of time.

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~~18-20.~~ You have the right to be accompanied by a person chosen by you to any meeting held to resolve the problem.

~~19-21.~~ We and you may agree to abandon any step in the dispute resolution ~~procedure policy~~ and proceed to an application to the Tribunal.

~~20-22.~~ We must keep a written record of:

~~20-122.1~~ your complaint;

~~20-222.2~~ our response;

~~20-322.3~~ any resolution of the problem agreed between us and you; and

~~20-422.4~~ any other correspondence received or sent by us relating to the ~~p~~Problem.

~~21-23.~~ We may vary this dispute resolution policy as required by clause 6 of the Code of Conduct by following this procedure (other than an amendment that is necessary to comply with any relevant laws then in force):

~~21-123.1~~ we send to all residents of the village a clean copy and a marked up copy (showing the amendments to the policy) of the proposed amended policy and an explanation of why the amendment is necessary;

~~21-223.2~~ we advise residents to respond to us with any issues relating to the proposed amended dispute resolution policy within a period of 7 days;

~~21-323.3~~ we then consider any responses received from residents within a further period of 7 days and record our consideration in writing;

~~21-423.4~~ at least 14 days after we have sent the proposed amended policy, we call a meeting of residents at which the residents may vote in favour of the proposed amended dispute resolution policy;

~~21-523.5~~ if the meeting does not vote in favour of the proposed amended dispute resolution policy, this does not prevent us from obtaining the agreement of a majority of residents by individual negotiation; and

~~23.6~~ once the amended dispute resolution policy has been accepted by majority of the residents, a clean copy of the amended dispute resolution policy is circulated to all residents by us.

~~22-24.~~ We may vary this dispute resolution policy as necessary to comply with any relevant laws then in force. Where such an amendment is required, we will provide all residents of the village with written notice of the variation.