

1. PURPOSE

The purpose of this policy is to

- 1.1. Outline UnitingSA’s approach to resolving disputes in a fair, timely and transparent manner within Retirement Living Villages
- 1.2. Support respectful communication, early resolution of concerns and positive relationships between residents, staff and the village operator while ensuring compliance with the Retirement Villages Act 2016(SA), and supporting miscellaneous amendments and regulations
- 1.3. Promote consistent decision-making, procedural fairness and access to appropriate escalation pathways where a dispute cannot be resolved informally.

2. SCOPE

This Policy applies to

- All residents of UnitingSA Retirement Living Villages
- All village staff, including village managers, senior managers and other employees or contractors working at a village
- The operator of UnitingSA Retirement Living Villages.

This policy applies to any matter relating to village life that may affect residents’ amenity wellbeing or rights and does not limit a resident’s right to seek external advice or advocacy.

This Policy will be monitored and updated to reflect best practice, professional practice standards and guidelines, regulatory, and legislative requirements.

3. DEFINITIONS

Term	Definition
The Act	Retirement Villages Act 2016 (SA)
Resident	A person who resides in a UnitingSA Retirement Living Village under a residence contract

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Retirement Village	A residential community for people over the age of 55 not working fulltime, that offers independent living in self-contained homes within a supportive community environment
Operator	UnitingSA Ltd, as the legal operator of the retirement village
Staff/Worker	Includes any person employed, engaged or contracted by or on behalf of the operator to work at a retirement village, including village managers and senior managers
Village Manager/Senior Manager	A staff member with management responsibility for the operation of a retirement village, as defined under the Retirement Villages Act 2016 (SA)
Residence Contract	The legally binding agreement between a resident and the operator governing occupation of a residence within the retirement village
Residence Rules	Rules made under the Retirement Village Act 2016 (SA) that apply to residents and visitors and support the safe and orderly operation of the village
Codes of Conduct	The standards of behaviour set out in this policy, as required under the Retirement Villages legislation
Dispute	A disagreement of concern raised by a resident, staff member or the operator relating to matters arising within a UnitingSA Retirement Village
Procedural Fairness	A process that ensures all parties are treated fairly, are given the opportunity to be heard, and decisions are made impartially based on relevant information
SACAT	South Australian Civil and Administrative Tribunal
Registrar	The Registrar appointed under the Retirement Villages Act 2016 (SA)

4. POLICY

UnitingSA Ltd is committed to observing the rights of residents within its Retirement Villages independent living accommodation sites.

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.

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2. If you need to notify us, then your written notice should be to the village manager (Coordinator, Retirement living) via email retirementliving@unitingsa.com.au or post UnitingSA, PO Box 3032, Port Adelaide SA 5015.
3. UnitingSA Ltd will respond within 2 business days and such response will include a date by which the substance of the inquiry will be dealt with.
4. The resident may seek advice from any one or more of the following persons or bodies:
 - 4.1. the Office for the Ageing;
 - 4.2. the Aged Rights Advocacy Service;
 - 4.3. the Catalyst Foundation (formerly Seniors Information Service);
 - 4.4. the Council of the Ageing;
 - 4.5. a lawyer.
5. Once the notice has been received, a meeting should be held between us and you (or as the case may be between the residents involved in the problem) as soon as convenient (and no later than 14 days after we have received the notice) and should explore the following issues:
 - 5.1. whether the Residents' Committee should be involved to identify if there are others who are experiencing the same problem;
 - 5.2. whether the Residents' Committee may wish to consider the problem as a general issue for discussion;
 - 5.3. whether there is any other resident involved who should be brought into the discussions.
6. 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.
7. During that week, any of the people who are coming to the meeting have the opportunity to set out in a document what their concerns are, and suggested solutions to the problem. Any document should be provided to all of the participants at least 24 hours before the time of the meeting.
8. We must provide a suitable meeting room for the discussion to take place.
9. 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.
10. 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

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must keep a copy of the original signed resolution in its records and give photocopies to the others.

11. If the meeting fails to produce a resolution to the problem, then either you, any resident involved in the problem or us or any interested parties may seek the assistance of a mediator or conciliator to attempt to resolve the problem.
12. 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.
13. Either you or us may withdraw their consent to mediation or conciliation at any time up until the appointment of the mediator or conciliator.
14. 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.
15. Although any of the parties may obtain legal advice, legal representation at the mediation or conciliation is discouraged, although not prohibited. Parties must pay their own legal fees.
16. 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 Act 2016* or other legal processes.
17. 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.
18. Any application must be made to the Tribunal within 4 years after the date on which the act or omission occurred, unless we or you obtain the permission of the Tribunal for an extension of time.
19. You have the right to be accompanied by a person chosen by you to any meeting held to resolve the problem.
20. We and you may agree to abandon any step in the dispute resolution procedure and proceed to an application to the Tribunal.
21. We must in the case of a problem between us and you keep a written record of:
 - 21.1. your complaint;
 - 21.2. our response;
 - 21.3. any resolution of the problem agreed between us and you; and
 - 21.4. any other correspondence received or sent by us relating to the problem.

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22. We may vary this dispute resolution policy as required by clause of the Code of Conduct by following this procedure:
- 22.1. 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;
 - 22.2. we advise residents to respond to us with any issues relating to the proposed amended dispute resolution policy within a period of 7 days;
 - 22.3. we then consider any responses received from residents within a further period of 7 days and record our consideration in writing;
 - 22.4. 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;
 - 22.5. 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
 - 22.6. 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.

5. LEGISLATIVE REFERENCES / STANDARDS

- 5.1. Retirement Villages Act 2016
- 5.2. Retirement Villages (Miscellaneous) Amendment Act 2024 (SA)
- 5.3. Retirement Villages Regulations 2017 (SA)
- 5.4. Retirement Villages (Codes of Conduct) Amendment Regulations 2025 (SA)
- 5.5. Work Health and Safety Act 2012
- 5.6. Residential Tenancies Act 1995

6. RELATED DOCUMENTS

6.1. UnitingSA Retirement Living Residence Contract

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- 6.2. UnitingSA Retirement Living Villages rules
- 6.3. UnitingSA employee code of conduct
- 6.4. UnitingSA Client Feedback and Complaints Management Procedure
- 6.5. UnitingSA Privacy Policy
- 6.6. UnitingSA Records Management Procedure
- 6.7. UnitingSA Retirement Living Codes of Conduct Procedure

7. DOCUMENT CONTROL

7.1. All records must be retained in accordance with legislation.

Version	Description of change	Committee approved by	Date approved	Owner position title
001	New procedure Retirement Living – Dispute Resolution Policy		2016	Senior Manager
002	Reviewed procedure Retirement Living – Dispute Resolution Policy	Chief DPH Officer	Jan 2026	Senior Manager

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