

# Dispute resolution for retirement villages

## Fact sheet

---

Not every disagreement or complaint needs to be resolved through the dispute resolution process set out under the *Retirement Villages Act 1999*. In fact, many concerns and complaints can be dealt with quickly and cooperatively by discussion between residents and operators.

Complaints can sometimes arise because of uncertainty about rights and obligations or failure to communicate. It is in everyone's interest to minimise disharmony so trying to resolve concerns or complaints quickly and cooperatively is important. This can help stop problems from escalating.

### Resolving a dispute informally

Many operators participate in quality improvement programs to maintain and improve standards. These schemes can include processes to address disputes and are detailed in your Public Information Document (PID) or Village Comparison Document (VCD). If in doubt, check with your operator.

Raising your concern with the village residents' committee can be a good approach because of the regular contact these committees have with the operator and because it represents the resident body. The committee may be able to provide information or advice on matters causing concern to a resident.

If the matter cannot be resolved informally and courteously by the operator at the village level, it can be escalated to a higher level of complaint (for example, with the village owner) and followed up in a more formal manner.

Some villages have independent mediators they can call upon to assist if required. If you decide to seek advice from a solicitor, they should be experienced in the law applicable to retirement villages.

The Queensland Retirement Village and Park Advice Service (QRVPAS) is a specialist service providing free information and legal assistance for residents of retirement villages.

The Queensland Law Society can also refer you to a solicitor with the necessary expertise.

### When your complaint cannot be resolved informally

The *Retirement Villages Act 1999* outlines the process for managing complaints and resolving disputes between residents and operators.

Note that this process does not deal with disputes between residents. However, in some villages, the operator will require that major disputes between residents must be taken to a formal internal dispute resolution process handled by an independent mediator.

The formal dispute resolution process in retirement villages has three steps.

#### Step 1: Internal negotiation

All operators must establish processes for resolving disputes internally. This information should be in your PID. Try to resolve the dispute within the village using the following steps:

- write to the other party stating your dispute and suggest a date for a meeting



- give the other party at least 14 days' notice of the meeting
- await the response from the other party. They need to respond in writing within seven days of receiving the notice
- meet to resolve the dispute
- if the dispute cannot be resolved proceed to step 2: mediation.

## Step 2: Mediation

If you cannot resolve your dispute through internal negotiation, you can apply for mediation through the Queensland Civil and Administrative Tribunal (QCAT). Visit [www.qcat.qld.gov.au](http://www.qcat.qld.gov.au) to find out more about mediation.

To apply:

- complete at least three copies of *Form 3: Dispute notice for referral to mediation — Retirement Villages Act 1999* available at [www.qcat.qld.gov.au](http://www.qcat.qld.gov.au)
- pay the filing fee
- lodge the application (see the form lodgement options).

QCAT will:

- appoint a mediator within 14 days
- give you seven days' notice of the meeting's date, time and location
- ensure the mediation conference is private and no record is kept
- ensure the mediator uses an informal process to help you resolve your dispute.

Lawyers may represent the parties if the mediator approves. Other people may also join the mediation if the mediator believes they have relevant interest in the dispute. If both parties reach an agreement, the mediator records the agreement, both parties sign it, and the mediator gives a copy to QCAT.

## Step 3: QCAT hearing

You can apply to QCAT for a hearing if:

- parties cannot reach agreement
- one party does not attend mediation
- the parties cannot settle the dispute within four months
- one party claims the other has not complied with the mediation agreement within the specified time (or two months of the agreement if no time is specified).

To apply:

- complete at least three copies of *Form 31: Application for a tribunal hearing—Retirement Villages Act 1999* available at [www.qcat.qld.gov.au](http://www.qcat.qld.gov.au)
- pay the filing fee
- lodge the application.

Once QCAT registers the application and has given a copy to the other party, QCAT sends a directions hearing notice to the parties. At a directions hearing, preliminary matters are considered, including a timetable for the parties to prepare their statements and documents for the hearing. Parties can attend the directions hearing by phone.

QCAT then sends a hearing notice to the parties with the location, time and date of the hearing. Both parties must attend, and QCAT can elect to hear evidence without a party being there.

Afterwards, QCAT notifies both parties in writing of the outcome and any orders it has made.

## Exceptions

In some circumstances, a resident can apply to QCAT for a hearing without going through internal negotiation or mediation.

These include when someone threatens to:

- remove, or actually removes, a resident from the retirement village
- deprive, or actually deprives, a resident of the right to live in the village
- restrict, or actually restricts, a resident's use of the retirement village land.

## Disputes between residents and disputes between operators and non-resident owners

The *Retirement Villages Act 1999* does not cover disputes between residents or disputes between village operators and non-resident owners.

For these situations, you can:

- communicate with the other resident if the dispute is between residents, discussing the issue and talking it through may lead to a solution before the issue is escalated
- seek assistance from your residents' committee
- contact the [Dispute Resolution Branch of the Department of Justice and Attorney-General](#)
- seek advice from a private solicitor, or a professional body such as [Legal Aid Queensland](#), the Queensland Law Society or a community legal centre.

The *Queensland Law Handbook* published by [Caxton Legal Centre Inc.](#), a community legal centre, includes a helpful chapter on resolving disputes and accessing legal assistance as well as information about retirement villages. The handbook is available to purchase from Caxton Legal Centre by telephoning 3214 6333. Copies are also kept in many public libraries.

## Contact information

### Queensland Civil and Administrative Tribunal

*An independent dispute resolution body for retirement village disputes.*

Phone: 1300 753 228 (Monday to Friday 8.30 am to 4.30 pm)

Email: [enquiries@qcat.qld.gov.au](mailto:enquiries@qcat.qld.gov.au)

Website: [www.qcat.qld.gov.au](http://www.qcat.qld.gov.au)

Postal address: GPO Box 1639, Brisbane QLD 4001

### Dispute Resolution Branch, Department of Justice and Attorney-General

*Provides free, confidential and impartial mediation services*

Phone: 1800 017 288

Website: <https://www.qld.gov.au/disputeresolution>

Address: Level 1, 363 George Street, Brisbane QLD 4000

Postal address: GPO Box 149, Brisbane QLD 4001

**Queensland Retirement Village and Park Advice Service (QRVPAS)**

*Provides free information and legal assistance for retirement village residents*

Caxton Legal Centre Inc.

Phone: 07 3214 6333

Website: <https://caxton.org.au/how-we-can-help/grvpas/>

Address: 1 Manning Street, South Brisbane QLD 4101

**Legal Aid Queensland**

*May be able to advise on disputes between residents and disputes between operators and non-resident owners*

Phone: 1300 65 11 88 or 07 3238 3444

Website: [www.legalaid.qld.gov.au](http://www.legalaid.qld.gov.au)

Address: 44 Herschel Street, Brisbane QLD 4000

Postal address: GPO Box 2249, Brisbane QLD 4001

**Queensland Association of Independent Legal Services Inc.**

*Can help people find (searchable on-line) a community legal centre including any specialists that may be available*

Phone: 07 3392 0092

Website: [www.qails.org.au](http://www.qails.org.au)

Email: [admin@qails.org.au](mailto:admin@qails.org.au)

Postal address: PO Box 119 Stones Corner QLD 4120

**Queensland Law Society**

*Maintains a list of solicitors (searchable on-line) with expertise in the law applicable to retirement villages*

Phone: 1300 367 757

Website: [www.qls.com.au](http://www.qls.com.au)

Email: [info@qls.com.au](mailto:info@qls.com.au)

Address: 179 Ann Street, Brisbane QLD 4000

Postal address: GPO Box 1785 Brisbane QLD 4001

**Regulatory Services, Department of Housing and Public Works**

*Government agency that administers the Retirement Villages Act 1999, including investigating complaints and alleged breaches of the Act.*

Phone: 07 3008 3450

Email: [regulatoryservices@hpw.qld.gov.au](mailto:regulatoryservices@hpw.qld.gov.au)

GPO Box 690

Brisbane QLD 4001

**Association of Residents of Queensland Retirement Villages (ARQRV)**

*ARQRV is a peak residents' association providing advice and advocacy for retirement village residents.*

Phone: 0437 906 074

Website: [www.villagers.org.au](http://www.villagers.org.au)

Email: [enquiries@arqrv.org.au](mailto:enquiries@arqrv.org.au)

Postal address: PO Box 5057, Brendale Qld 4500