

RETIREMENT LIVING CODE OF CONDUCT

TABLE OF CONTENTS

FOREWORD	3
BACKGROUND	4
Introduction.....	4
Purpose of the Code.....	4
Objectives of the Code	4
Architecture of the Code Commitments	4
About Retirement Communities	4
Legislative Framework and Obligations	5
Definitions	6
COMMITMENTS	8
A GENERAL PROVISIONS	8
B MOVING INTO THE COMMUNITY	9
C LIVING IN THE COMMUNITY	11
D LEAVING THE COMMUNITY.....	13
ADMINISTRATION	14
Code Administration Committee	14
Governance and Functioning of the CAC	14
Code Adoption and Code Register.....	14
Code Review and Ongoing Consultation	14
Self-Assessment and Compliance.....	14
Complaint-Management Framework	15
Principles of the Framework and Handling Complaints	15
The CAC's Involvement in Complaints	15

APPENDIX A Checklist for Code Self-Assessment	17
APPENDIX B Compliance Statement	19
APPENDIX C Schedule of Independent Dispute Resolution Services	20
APPENDIX D Guidelines for Complaints Management in the Retirement Community	22
APPENDIX E Complaints Form (Internal to Operator)	25
APPENDIX F Complaints Form (Resident to CAC)	28
APPENDIX G Complaints Escalation Flowchart	32
APPENDIX H Code Administration Committee Charter	33
APPENDIX I About the Peak Bodies	38
Retirement Living Council	38
Leading Aged Care Services	38
Aged & Community Services Australia	38

DRAFT

FOREWORD

The *Retirement Living Code of Conduct* is an initiative of the three peak bodies representing retirement living across Australia - the Retirement Living Council (RLC), Leading Aged Services Australia (LASA) and Aged and Community Service Australia (ACSA). Through their collective membership, they represent more than 50% of retirement communities across the for-profit and not-for-profit sectors.

The Code of Conduct is a cornerstone of the retirement living industry's eight-point plan for a policy platform delivering quality resident experience. It aims to set and maintain high standards relating to the marketing, selling and operation of Retirement Communities, including complaints and dispute management procedures for operators and residents.

This Code uses the term "Retirement Communities" to capture a breadth of seniors housing types, including both Retirement Villages (in their various forms) and Land Lease Communities. Retirement Communities combine high quality fit-for-purpose housing, many with tailored support services designed to meet the specific needs of older people, with a community environment.

The well-documented future growth of Australia's senior population presents a real challenge for governments to manage the health and housing needs of older people. Retirement Communities play an important - and underrated - role in helping seniors lead a happy and independent life for longer, saving taxpayers more than \$2 billion annually through lower health and aged care costs. They are central to providing affordable housing, preventative health and important community services to senior Australians in both regional and urban areas.

There are Retirement Communities in every Australian state and territory. As of 2014, there were approximately 2270 retirement villages accommodating about 200,000 residents, and more than 1000 Land Lease Communities accommodating more than 70,000 residents across Australia. This number is constantly increasing.

Launched in **[July 2018]**, the Code recognises Retirement Communities are governed by a complex and diverse set of legislation and regulations and it seeks to create an accepted standard to help operators provide a trustworthy and high-quality service to those living in, and considering moving to, a Retirement Community. The Code has been developed by the peak bodies after extensive consultation with key industry stakeholders, including governments, operators and, most importantly, resident leaders through the Australian Retirement Village Residents Association. In forming the Code, domestic and international best-practice examples have been considered. The development of this Code was also guided by the Australian Competition and Consumer Commission's *Guidelines for developing effective voluntary industry codes of conduct*.

We encourage industry participants, residents, prospective residents and interested stakeholders to familiarise themselves with the provisions outlined in the Code. We hope you find it a helpful aid to promoting and protecting resident rights and providing a benchmark for best practice.

BACKGROUND

Introduction

The Retirement Living Code of Conduct is a voluntary industry code and is an initiative of the peak bodies representing Retirement Communities across Australia. The Code is maintained by the Code Administration Committee (**CAC**) and comprises five sections:

1. Foreword
2. Background – Introduction, Purpose and Objectives of the Code;
3. Commitments – the Rules of the Code;
4. Administration – the Governance and Administration of the Code;
5. Appendices – additional resources for the implementation and administration of the Code.

Purpose of the Code

The Purpose of the Code is to set and maintain commonly accepted standards regarding the marketing, selling and operation of Retirement Communities.

Objectives of the Code

1. Promote and protect the interests of current and future residents;
2. Set commonly accepted standards regarding the marketing, sales and operation of Retirement Communities that are above and beyond statutory obligations;
3. Promote trust and confidence in the sector;
4. Provide a framework to assist open, transparent and efficient resolution of complaints by residents against signatories to the Code;
5. Provide industry leadership to promote effective self-regulation.

Architecture of the Code Commitments

The Code Commitments are the rules to which signatories are committing. They are written in the first person, from the perspective of the Retirement Community operator. In committing to these rules operators are making these commitments to current and potential residents and other stakeholders. The sub-sections mirror the key phases of the resident experience within Retirement Communities:

- A. General Provisions
- B. Moving into the Community
- C. Living in the Community
- D. Leaving the Community

The appendices contain additional information regarding administration of the Code, the operation of the Code Administration Committee (CAC), and complaint handling. They also include resources to assist operator signatories understand and meet the Code Commitments.

About Retirement Communities

Retirement Communities incorporate specialised, quality fit-for-purpose housing in a community environment, often incorporating support services, designed to meet the specific needs of older people. They allow residents to maintain their privacy and independence and aim to provide a safe and secure environment with the reassurance of a variety of additional services. These can include on-site staff, communal facilities and in many cases optional care and support as needed.

The industry brings a diversity of housing ideal for many ageing Australians as they seek an affordable and vibrant lifestyle. This Code uses the “Retirement Communities” to encapsulate a broad range of

communities, including both Retirement Villages and Land Lease Communities.

To live in a Retirement Community, a prospective resident enters a contract with the owner or operator. There are various types of tenure in Australian Retirement Communities. Some offer freehold title to homes within the community but it is more common for Retirement Village occupancy to be via a long-term or lifetime lease or licence agreement between the resident and operator. Others offer a rental tenancy agreement. Residents of Land Lease Communities generally own their home and lease the land upon which it sits.

A Retirement Community is not an investment property, nor is it a vehicle to build personal wealth. It is a lifestyle choice, a place to live and a hub for services; a place to enjoy facilities, activities and the company of others.

As of 2016, more than 198,000 seniors across the nation call a Retirement Community their home and more than 70,000 people call a Land Lease Community home.

Legislative Framework and Obligations

Operators have obligations and residents have rights at both state and federal levels. The relevant jurisdictions are determined by the location of the Retirement Community and the facilities and services offered. These include:

Australian Capital Territory

- Retirement Villages Act 2012
- Residential Tenancies Act 1997

New South Wales

- Retirement Villages Act 1999
- Residential Tenancies Act 2001
- Residential (Land Lease) Communities Act 2013

Northern Territory

- Retirement Villages Act 2016
- Residential Tenancies Act 2017
- Caravan Parks Act 2015

Queensland

- Retirement Villages Act 1999
- Residential Tenancies and Rooming Accommodation Act 2008
- Manufactured Homes (Residential Parks) Act 2003

South Australia

- Retirement Villages Act 2016
- Residential Tenancies Act 1995
- Residential Parks Act 2007

Tasmania

- Retirement Villages Act 2004
- Residential Tenancy Act 1997

Victoria

- Retirement Villages Act 1986
- Residential Tenancies Act 1997

Western Australia

- Retirement Villages Act 1992
- Residential Tenancies Act 1987
- Residential Parks (Long-stay Tenants) Act 2006

Operators are also bound by Australian consumer law including the *Competition and Consumer Act 2010*, employment law and regulations, workplace health and safety laws and regulations including the federal *Work Health and Safety Act 2011*.

Definitions

Code Administration Committee (CAC)

The committee as described in the section “Administration” that is responsible for overseeing this Code of Conduct. The CAC’s role and terms of reference are defined in Appendix I: CAC Charter.

Code Commitments

The rules of the Code of Conduct contained in the section “Commitments” to which signatories are committing.

Code Compliant

Complying with the Code Commitments.

Code Register

The system maintained by the Code Administration Committee (CAC) for recording current signatories, including the status of their compliance.

Community Manager

A person primarily responsible to manage the day-to-day affairs and operations of a Retirement Community and interface with the residents.

Complaint-Management Framework

The many elements of the Code contained in the Code Commitments, Administration section and Appendices that are designed to assist in the speedy and cost-effective resolution of complaints.

Complaints Management System

The system within an organisation encompassing all aspects of the policies, procedures, practices, staff, hardware and software used by an organisation for the management of complaints.

Complaints Register

The system maintained by the Code Administration Committee (CAC) for recording and tracking complaints made by complainants to the CAC.

Entry Payment

The initial amount paid for the home at the time of entry into a Retirement Community. It may also be known as a lease premium, loan or purchase price.

Deferred Payment

Also known as a departure fee, exit fee, deferred management fee, deferred fee, retention amount or outgoing payment. The deferred payment, if applicable, represents the second amount paid for the

home which may be deferred until after the resident leaves and, in most cases, upon repayment of any resident exit entitlement under the resident contract.

Land Lease Community

Also known as over-55s communities, lifestyle communities or manufactured home parks. Like retirement villages, lifestyle communities are designed to offer active, social lifestyles for retirees aged 55 and over. They generally offer a range of communal facilities, social activities and services such as gardening and home maintenance.

Operator

Although the definition varies from state to state, this is the person, company or trust that operates a Retirement Community. It may also mean the owner.

Peak Bodies

The peak bodies are the Retirement Living Council (RLC), Leading Aged Services Australia (LASA) and Aged and Community Service Australia (ACSA). Through their collective membership, the peak bodies represent more than 50% of Retirement Communities across the for-profit and not-for-profit sectors.

Retirement Community

A term used in this Code to capture a broad range of fit-for-purpose housing in a community environment, designed especially to meet the changing needs of older people and including both Retirement Villages and Land Lease Communities.

Retirement Village

A Retirement Community regulated under relevant state Retirement Village Acts or their equivalent. They generally offer occupancy via a long-term or lifetime lease or licence agreement between the resident and operator but may also offer occupation via a rental tenancy agreement, freehold title or strata title. Retirement village residents typically make an entry payment for the right to reside in the village, pay ongoing fees such as service fees, rates and utilities throughout their stay, and a deferred payment when they leave.

Signatory

An operator who subscribes to this Code and agrees to be bound by the Code Commitments.

COMMITMENTS

A GENERAL PROVISIONS

A1 Overall

- A1.1 As a signatory to the Code, we will comply with the Code Commitments in relation to our Retirement Communities. Our activities will be consistent with the spirit of the Code and we will not bring it into disrepute. We will readily implement any relevant guidance from the Code Administration Committee (**CAC**) on Code compliance matters.
- A1.2 In all our dealings with our current, potential and future residents, we will act with integrity, and in a professional, reasonable, fair, transparent, and non-discriminatory manner.
- A1.3 We will comply with all relevant legislation and regulations. We will hold all the licences, registrations and permissions required to enable us to carry out our activities lawfully. We will comply with any decisions of courts or tribunals that set precedents relating to our activities.
- A1.4 We will draw this Code to the attention of our employees and train them, as necessary, to deliver both their legal obligations to residents and their responsibilities under this Code.

A2 Monitoring Compliance with the Code

- A2.1 We will nominate a suitably trained Code Compliance Officer who will:
- a) Provide a first point of contact for our residents and stakeholders and the Code Administration Committee (**CAC**) on Code compliance matters.
 - b) Maintain an overview of the implementation of the Code across all our Retirement Communities.
 - c) Communicate information on the Code, and any guidance on compliance matters from the CAC, to residents and staff in our communities.
 - d) Ensure that we implement any guidance from the CAC on compliance matters and any future amendments to the Code, by amending our materials, processes and systems, as necessary, as soon as possible.
- A2.2 We will internally audit our own compliance with the Code annually, act to rectify any failings as necessary and provide written confirmation to the CAC of compliance. The Annual Compliance Certificate form is contained in Appendix A of this Code. We will foster and encourage a culture of continuous improvement with a focus on quality outcomes for residents.
- A2.3 We will readily facilitate any compliance assessment or investigation by the CAC.
- A2.4 We acknowledge the CAC's Complaints Handling Framework, the principles of which are contained in section three of this Code.

A3 Promoting the Code of Conduct

- A3.1 We will inform residents and stakeholders we subscribe to this Code and make them aware of its benefits. In particular, we will:
- a) Reference we are a Code signatory in our marketing materials;
 - b) Display the Code Compliance certificate prominently at our Communities;
 - c) Make the Code available via our website;
 - d) Make hard copies of the Code available to residents free of charge upon request.

A4 Handling and resolving complaints

- A4.1 We will handle complaints made by prospective residents, current residents and former residents.

- A4.2 We will maintain a complaints-management system that is resident-focused and provides for continual review and monitoring.
- A4.3 We will encourage our employees to welcome all forms of feedback from residents, whether positive or negative. We will treat all feedback seriously, review it, and use it to promote continuous improvement in our services.
- A4.4 As a part of the complaints-management system, we will maintain clear written policies and procedures for handling and resolving written complaints and disputes. We will make these procedures available to residents and will ensure this provides a clear framework for all parties to participate in a process that aims to resolve issues without the need for external referral wherever possible. The procedure will include our full contact details.
- A4.5 Our procedures will assure complainants that we will acknowledge a written complaint, treat it confidentially and provide an initial response in writing as soon as possible. Where complainants tell us they are not satisfied with our response, we will not require them to write again to pursue the complaint through any escalation procedure. We will maintain a complaints-register where we record the dates when we: received a written complaint; acknowledged it; and issued any initial or subsequent response or decision.
- A4.6 We will provide training to our resident-facing staff in handling complaints and specifically about our internal complaint-handling processes. We will make our staff aware of their specific roles and responsibilities in that process.
- A4.7 Where possible and reasonable, we will endeavour to resolve complaints at the community or operator level within 15 working days. A complainant may agree to a longer time frame to obtain information or undertake relevant investigation. If a later time is agreed upon, we will keep the complainant informed of progress on a regular basis.
- A4.8 We will follow a cascading complaints-handling policy, which allows complaints to be escalated in a way that seeks to resolve them in a cost effective and efficient manner that is fair and reasonable to all parties. The escalation pathways will be detailed in writing in our policies. This Code does not preclude an operator from offering or maintaining additional complaints handling and dispute resolution processes. However, the escalation pathway should include the following stakeholders:
- a) The manager of the Retirement Community;
 - b) A senior manager or executive of the operator who is not the manager of the Retirement Community;
 - c) The Code Administration Committee (CAC) for its referral to an external independent dispute resolution service, procedures and processes which are outlined in Appendix H.
 - d) The relevant statutory authority.
- A4.9 We will advise complainants that they may refer the complaint to other avenues such as the CAC, independent mediation or the relevant state regulatory authority if they remain dissatisfied.
- A4.10 We will co-operate with the CAC, independent mediator or any regulatory authority during any investigation and abide by any agreement we make without prejudice to our rights.
- A4.11 We will respect and cooperate in the same way with an intermediary acting on behalf of complainants as we would with the complainants themselves.

B MOVING INTO THE COMMUNITY

B1 Marketing and selling the community

- B1.1 We will ensure our advertising and marketing material complies with relevant Commonwealth, state or territory legislation and regulations.
- B1.2 We will ensure our sales and marketing material is: legal, honest, and truthful; is current, clear,

accurate and consistent.

- B1.3 We will ensure the available marketing information is comprehensive and accurately represents the actual or intended nature of the Retirement Community in terms of the type of tenure, available properties, the facilities on offer, care services available, financial costs and obligations, and information about our current residents.
- B1.4 We will respect any resident's express wish not to receive unsolicited visits, canvassing, mail-outs, emails, text messages or telephone calls.
- B1.5 We will ensure our staff do not place undue or improper pressure on potential residents to purchase either accommodation or services in our Retirement Communities. We will allow residents sufficient time to process information and raise queries with us before making any formal commitment.
- B1.6 We will provide clear written information about:
- a) the Retirement Community including its facilities;
 - b) the Retirement Community operator and the role of the village manager;
 - c) the type of accommodation available;
 - d) the services that are available; and,
 - e) the financial obligations and costs associated with moving into, living in and moving out of the community.
- B1.7 We will provide clear written information on the process and cost of reserving a residence in the Retirement Community and how any deposit is protected and may be returned. We will provide clear information about any non-refundable payments.
- B1.8 In providing information about services including management and care, we will clearly distinguish between standard and optional or additional charges.
- B1.9 We will provide residents, where possible, practical and reasonable, with information about any charges payable to third parties (e.g. utility companies, local authorities) and their indicative costs.
- B1.10 We will advise residents, where possible, if we have an ownership interest in any other firm involved in operating the Retirement Community and if we receive a commission from third-party suppliers relating to any of the services paid for by residents through the service charge.

B2 Contracts and terms and conditions

- B2.1 We will provide prospective residents with disclosure information or other written documents (as required by state legislation and regulations) in a timely manner. At the time of providing any disclosure information, we will also provide a copy of this Code of Conduct.
- B2.2 We will encourage all potential residents to seek independent legal advice before signing a contract to purchase a residence, and that this advice should be in a language they understand. We encourage potential residents to share this information with family members and trusted advisers.
- B2.3 We will ensure there are transparent and easy-to-understand descriptions in contracts of entry payments, ongoing service fees, reinstatement costs, and deferred fees and payments, so residents have clarity and certainty regarding costs associated with living in the Retirement Community. We will ensure contracts comply with the relevant legislation.
- B2.4 We will provide clear information about which maintenance services will be included as part of the overall service offering at the community and which services are additional and must be separately funded by residents.
- B2.5 We will provide new resident contracts in writing and in plain English. Contracts will:
- a) seek to implement, if appropriate, contract recommendations of the Peak Bodies, such as the RLC's National Guide to Creating Simple and Effective Retirement Living

Contracts;

- b) clearly set out our rights and responsibilities, and those of the residents;
- c) accommodate special requests from prospective residents to provide the contracts in other formats such as larger print versions.

B2.6 Where we are required to report to residents on the financial affairs of the Retirement Community, we will provide information on the community's budget with the contract, including:

- a) the current year's resident charges and other sources of income;
- b) the current year's expenses;
- c) details of the most recent surplus or deficit;
- d) the previous year's audited budget statement;
- e) the capital works fund (or sinking fund), and planned expenditure.

B2.7 Along with the contract, we will provide information on the community rules, including information about:

- a) the keeping of pets;
- b) visitors and guests;
- c) parking;
- d) the disposal of rubbish.

B2.8 We will make clear, in the contract, and/or in our policies, how we manage the circumstances under which we may ask a resident to move temporarily or permanently to another address within or outside the Retirement Community. In any such cases, we shall consult the resident, and with other family members or healthcare professionals but only with the consent of the resident.

B2.9 We will place as few restrictions as possible on residents, so that they are able to enjoy their own lifestyle and live with maximum independence.

B3 Before moving and new resident arrivals

B3.1 For properties under construction, we will give residents a realistic expected completion or moving-in date. We will provide as much notice as possible of any delays and offer residents an opportunity to organise alternative arrangements. Wherever possible we will provide on-site accommodation to minimise undue hardship or distress.

B3.2 In handing over a property to an incoming resident, we will conduct a full orientation to their accommodation, explaining how key services and appliances operate. We will also provide information on the roles and responsibilities of staff, our resident service arrangements and how they can contact us for assistance.

C LIVING IN THE COMMUNITY

C1 Managing our relationship with residents and stakeholders

C1.1 We will maintain appropriate and effective service arrangements for residents.

C1.2 We will invite feedback from residents (in the form of a survey) on our facilities and services, including those provided by any contractors, at least once a year. We will report back to residents on the findings and on any resulting actions. If we cannot act on any suggestions we will explain why.

C1.3 We will ensure any personal care services we offer or facilitate comply with the requirements of the relevant regulator. Personal care services provided by us will be clearly described in a separate agreement between us and the residents involved.

- C1.4 We will take steps to ensure there is consultation with residents in relation to any matter that could have a significant impact on their financial affairs, the amenity of the Retirement Community or their way of life, including changes to the dispute resolution policy, changes to community rules or changes to the operator's marketing policies for re-sales.
- C1.5 We will maintain written policies and procedures regarding the frequency and conduct of meetings with residents and the rights of our residents to consultation.
- C1.6 We will maintain written policies and procedures about accessing the homes of residents. These will be consistent with our contractual and statutory obligations.
- C1.7 We will maintain a written privacy policy consistent with Commonwealth and State legislation that enables a resident to have access to personal information held by the operator related to them.
- C1.8 We will agree to a clear process for consulting and responding to the Australian Retirement Village Residents' Association, including its state affiliates, where they are representing residents. We will facilitate any requests for consultation from residents on such matters, wherever possible.

C2 Managing our staff

- C2.1 We will maintain written policies and procedures regarding the management of our staff. These will include procedures for inducting new staff and contractors.
- C2.2 We will appoint managers possessing the requisite skills and abilities to manage a Retirement Community, including both the physical assets and residents' needs.
- C2.3 We will provide ongoing staff training, as required, to ensure they maintain current and best practices.

C3 Managing property and safety

- C3.1 We will maintain written policies for workplace health and safety which comply with relevant legislation. We will maintain written policies and procedures concerning general safety and security, electrical safety, fire safety and emergency management.
- C3.2 Our property management policies and procedures will include considerations of maintenance, upgrading, short-term and long-term capital expenditure, the age and type of infrastructure and ongoing compliance with relevant legislation.

D LEAVING THE COMMUNITY

D1 Clarity of contracts

- D1.1 We will endeavour to be clear in new contracts about: the work that may need to be done on a unit before it is marketed; the differences where applicable between reinstatement and upgrade works; and when the resident (or their estate) will receive their financial entitlements in relation to the resale.
- D1.2 We will endeavour to document in new contracts as many of the circumstances that may give rise to the termination of a resident's contract, including:
- a) the resident giving notice they would like to terminate the contract;
 - b) the resident's death;
 - c) the resident breaching their contract or a community's rules;
 - d) the resident's care needs changing.

D2 Communication

- D2.1 We will respectfully and clearly communicate with the outgoing residents, their guardians or their estates, information about the moving out process, including:
- a) any planned or proposed physical works to the unit;
 - b) the re-selling process, including choices about the selling agency;
 - c) relevant financial costs;
 - d) the expected timing of each part of the process;
 - e) where there is a shared interest or impact to the residents.
- D2.2 The financial information we provide should include, if applicable:
- a) reinstatement or upgrade costs;
 - b) ongoing holding costs, such as resident charges;
 - c) selling costs such as sales commissions;
 - d) deferred payments.
- D2.3 Where we are undertaking the re-sale and marketing, we will keep outgoing residents, their guardians or their estates regularly updated with information about the number and timing of prospective purchasers.

ADMINISTRATION

Code Administration Committee

The *Code Administration Committee (CAC)* oversees the ongoing content, implementation, promotion and effectiveness of the Code. It has broad stakeholder representation and meets at least twice per year.

Governance and Functioning of the CAC

The governance and functioning of the CAC is detailed in the CAC Charter which is contained in Appendix I. The key elements follow.

- The charter describes the governance of the CAC including the roles and responsibilities of committee members and their relationship to the peak bodies and other stakeholders.
- The charter defines the key committee functions, including the roles of the committee in governing the Code and overseeing the complaints handling process.
- The charter details how to continually improve committee processes, including how, when and where meetings should be held, and the importance of distributing clear, written and timely agendas and minutes.
- The charter details how to ensure ongoing committee effectiveness, including how members should be selected and evaluated on a regular basis to ensure it works effectively as a whole to promote the Code's goals and objectives.

Code Adoption and Code Register

All retirement village operators are encouraged to subscribe to the Code.

Each organisation that subscribes to the Code becomes a signatory and is placed on a Code Register which will be made publicly available online. The Code Register is maintained by the CAC.

Code Review and Ongoing Consultation

The CAC commits to ongoing consultation with resident organisations and stakeholders to ensure the Code remains current and relevant, that its objectives are being met and it remains broadly accepted by stakeholders. The Code review process is outlined in the CAC Charter in Appendix I.

Self-Assessment and Compliance

From the initial launch date of the Code, there is a six-month transitional period in which signatories must ensure they become compliant.

Signatories must annually certify they have met the Commitments of the Code. Upon receipt of the Annual Compliance Statement (in the form in Appendix A), the CAC will issue a Compliance Certificate to the signatory and update the Code Register.

Code signatories commit to maintaining an in-house system for Code compliance.

Complaint-Management Framework

The Code provides a complaint-management framework to assist the speedy and cost-effective resolution of complaints where possible. The four key elements include:

1. A requirement for signatories (outlined in Section A4 of the Code Commitments) to have a complaints management system within their organisation which includes written policies and procedures to handle complaints;
2. The provision (in the Appendices) of templates and tools to assist signatories understand and meet these obligations, including template policies, procedures and forms and suggested process diagrams to assist operators and residents understand the available pathways for escalating grievances;
3. The facilitation, by the CAC, of external independent dispute resolution services where appropriate, along with the tracking of related complaints and disputes by the committee;
4. Consideration by the committee of admitted or alleged non-compliance to Code Commitments by signatories, including disciplinary action by the CAC.

Principles of the Framework and Handling Complaints

The complaint-management framework and the templates and tools provided in the Code are based on AS/NZS 10002:2014 “Guidelines for complaint management in organisations”. Operators are provided a resource in Appendix D: Guidelines for Complaint Management in the Retirement Community. Highlighted principles in the Code include:

- There is an active interest of the Peak Bodies (through the CAC) and the operators (by them being signatories) to build and maintain effective complaints management systems.
- Everybody has a right to complain. The signatories adopt a people-focused and proactive approach to seeking and receiving feedback and complaints.
- The signatories will implement a complaints management system that: includes appropriate and current written policies and procedures; expresses clear lines of responsibility; and provides appropriate delegations, all of which are clearly articulated to residents and stakeholders.
- The handling of complaints should be timely and responsive, fair and equitable, transparent, and respectful of the privacy of the complainant.
- Staff should be made aware of the complaints management system and appropriately trained to meet their responsibilities.
- The escalation process of complaints within an operator’s organisation is clearly articulated. Signatories encourage residents to resolve complaints in a cascading fashion that firstly seeks to openly resolve complaints at the community or operator level.

The CAC’s Involvement in Complaints

If resolution of a complaint at the community or operator level fails, a complainant or operator can escalate the matter to the CAC. The CAC will handle complaints according to its own complaints handling procedure (outlined in Appendix H: Code Administration Committee Charter). In addition to the complaints handling principles above, the following should be observed:

- The CAC will maintain its own complaints management system detailing how complaints can and should be made and how they are handled.
- The CAC’s system will include a complaint register that records the initiation, progress and resolution of complaints made to the CAC.
- The complainant and operator must first have attempted to resolve the complaint at the community or operator level before the CAC will handle a complaint.
- Escalated complaints need to be made in writing to the CAC. Certain types of complaints (such as resident-to-resident complaints) will not be handled or recorded by the CAC.

- The CAC will facilitate the involvement of an external independent dispute resolution service from a panel (Appendix C) for complaints that have met the CAC Policy and Procedures. The intention is to assist the speedy and cost-effective resolution of complaints, where possible, before escalating the matter to the relevant statutory authority.
- The complainant and operator (the “parties”) must both agree to the selection of the independent dispute resolution service, which will be charged at the agreed commercial rates and the costs will be borne by the parties in an agreed ratio.
- The CAC will record the outcome of a dispute resolution process (subject to confidentiality provisions) but will not be a party to the process. Nor will it act as a mediator, agent or representative of the parties.
- Nothing in the complaints management process prevents the complainant or the operator from pursuing other avenues, including their own independent mediation, or their statutory rights, including making an application directly to the relevant statutory body. No part of the process can prejudice the rights of the parties.

Disciplinary Action for Non-Compliance

The CAC will also consider certain matters of admitted or alleged non-compliance with the Code of Conduct arising from complaints. Following stringent guidelines, and after reasonable opportunities for improvement or rectification, signatories who are deemed to be non-compliant may ultimately be removed from the Code Register.

Principles guiding disciplinary action include:

- For clear and objective code breaches (such as the failure to implement a written complaints-handling policy) the CAC will issue compliance guidance to the operator and not issue the Compliance Certificate until the breach is remedied.
- The Code Register will show the current date of the Compliance Certificate (and hence if a certificate has not yet been issued).
- The CAC will not take a view on questions of legal interpretation, the outcome of confidential mediation settlements, or tribunal or court rulings.
- The CAC views the legal framework as the appropriate channel for civil and criminal matters and asserts that primary disciplinary action arises out of those jurisdictions where relevant.
- In cases of gross repeated non-compliance, including those arising out of relevant proven criminal activity, the CAC will remove a signatory from the Code Register.

Cost to Code Signatories

The Code of Conduct is designed to be a cost-effective, self-regulatory industry code that sets and maintains commonly accepted high standards regarding the marketing, selling and operation of Retirement Communities.

To provide the required administrative function, including that of the CAC and the CAC Complaints Handling Process, signatories may be required to pay an annual fee as determined by the CAC.

APPENDIX A

Checklist for Code Self-Assessment

This resource is provided to assist operators assess their annual compliance. It is not a complete list of requirements and should be read in conjunction with the full text of the Code Commitments.

General Provisions

- Implement any relevant guidance from the Code Administration Committee
- Current licences, registrations and permissions as required
- Maintain a Code Compliance Officer
- Inform customers and residents that we subscribe to this Code
- Maintain a complaints handling system
- Have written policies and procedures for handling and resolving written complaints and disputes
- Handled complaints according to our complaints handling system

Moving into the Community

- Advertising and marketing material complies with relevant Commonwealth, state or territory legislation and regulations
- Provide clear written information
- Distinguish between standard and optional or additional charges
- Provide every intending resident with a copy of the Code of Conduct
- Encourage all potential residents to seek independent legal advice
- Provide clear information relating to included maintenance services
- Conduct a full accommodation orientation

Living in the Community

- Invite formal feedback from residents in the form of a survey
- Reasonable consultation with residents of the Retirement Community in relation to any matter that could have a significant impact
- Written policies and procedures regarding the frequency and conduct of meetings with residents
- Written policies and procedures about accessing the homes of residents
- Written policies and procedures regarding the management of our staff
- Provide ongoing training, as required

- Written policies for workplace health and safety

Leaving the Community

- Respectfully and clearly communicate with the outgoing residents, their guardians or their estates with information regarding the moving out process

DRAFT

APPENDIX B

Compliance Statement

Central to the Code of Conduct is that signatories agree to annually audit their compliance, act to rectify any failings as necessary, and provide written confirmation to the CAC of their compliance. The following document is the form of the Annual Statement of Compliance that must be submitted to the CAC along with the completed Appendix A Checklist.

RETIREMENT LIVING CODE OF CONDUCT

Annual Statement of Compliance

We, *[insert the name of the operator]*, have reviewed the Code of Conduct along with amendments and guidance provided by the Code Administration Committee.

We confirm that we have:

- complied with the relevant Code Commitments during the past year
 - made relevant changes to our processes and procedures to meet changes in the Code during the year
 - followed the complaints-handling requirements of the Code
 - completed and included the Checklist for Code Self-Assessment

Signed on behalf of the Operator by

Name

Dated

APPENDIX C

Schedule of Independent Dispute Resolution Services

Schedule of publicly funded mediation services in Australia:

NSW

Mediation offered through Community Justice Centres (CJC), as governed by the NSW Department of Justice.

Phone: 1800 990 777

Web: www.cjc.justice.nsw.gov.au

NSW courts offer court-annexed alternative dispute resolution.

Advice available through LawAccess NSW.

Phone: 1300 888 529

Web: www.lawaccess.nsw.gov.au

Queensland

Mediation offered through the Dispute Resolution Centre - complete the online questionnaire to determine whether a Dispute Resolution Centre is appropriate for your complaint.

Web: <https://www.qld.gov.au/law/legal-mediation-and-justice-of-the-peace/settling-disputes-out-of-court/mediation>

There are six Dispute Resolution Centres across Queensland.

Web: <https://www.qld.gov.au/law/legal-mediation-and-justice-of-the-peace/settling-disputes-out-of-court/dispute-resolution-centres>

Victoria

Mediation offered through the Dispute Settlement Centre of Victoria (DSCV). The DSCV provides appropriate dispute resolution services for retirement village residents or management who need assistance. There are 14 offices throughout Victoria.

Phone: 1300 372 888

Web: www.disputes.vic.gov.au

South Australia

Mediation is available through the Courts Administration Authority of South Australia. Either party can contact the mediation unit.

Phone: 08 8204 2444

Email: mediation@courts.sa.gov.au

Western Australia

Mediation is available through all Western Australian courts and the State Administrative Tribunal. The Citizens Advice Bureau also offers a mediation service as well as legal advice.

Phone: 08 9221 5711

Web: www.cabwa.com.au

Australian Capital Territory

The Australian Capital Territory Civil and Administrative Tribunal is authorised to deal with disputes regarding retirement villages and does offer mediation as a dispute resolution pathway.

Phone: 02 6207 1740

Web: www.acat.act.gov.au

The Conflict Resolution Service (CRS) also offers free dispute resolution advice and services.

Phone: 02 6190 7100

Web: www.crs.org.au

Northern Territory

The Community Justice Centre is a Northern Territory Government service offering free community mediation at local venues across the Territory.

Phone: 1800 000 473

Email: cjc@nt.gov.au

DRAFT

Appendix D

Guidelines for Complaints Management in the Retirement Community

1 Scope

- 1.1 This guideline is designed to assist Operators in developing their complaints management system as required and referred to in the Retirement Living Code of Conduct (Code of Conduct).
- 1.2 It is intended to provide guidance in relation to: planning, design, operation, maintenance and improvement of an operator's complaint management system.
- 1.3 The principles of the complaints management system should reflect the principles set out in the Code of Conduct. This means it must be:
 - (a) a transparent, open, accessible and effective complaints process;
 - (b) a process and environment that provides residents confidence in the complaints resolution mechanism, encourages feedback on complaints and allows for complaints to be managed in a timely and fair manner;
 - (c) a framework in which complaints can be identified, raised and addressed in a non-judgmental environment;
 - (d) a framework that does not persecute, penalise or otherwise prejudice any participant engaged in the process of complaint handling.
- 1.4 The guideline must be read together with the other appendices to the Code of Conduct, which provide templates and forms operators may use in developing their complaints management system.
- 1.5 The complaint handling investigation procedure does not and is not intended to override or displace any rights or obligations of a resident or an operator as set out in relevant legislation, statutory rules or contractual arrangements. It is a guideline for resolution of complaints that can be achieved within those frameworks.

2 Guiding principles and application

- 2.1 It is recognised that operators of Retirement Communities vary significantly based on size, location, mission and geography. Accordingly, these guidelines are not exhaustive of all issues to be addressed and must be supported and supplemented by each organisation's own written policies and procedures for handling and resolving written complaints and disputes.
- 2.2 It is a fundamental principle that this guideline, the written policies and procedures, the templates in the Code of Conduct and the Code itself are to be made available to residents and promoted to relevant personnel.
- 2.3 It is a fundamental principle that an operator's staff engaged in the complaint management system must be trained and educated in relation to its principles and that there be ongoing training of those personnel.

3 Scope of complaints

- 3.1 The complaints handling investigation procedure is not intended to override a contractual, statutory or regulatory requirements.
- 3.2 The procedure will not address complaints between residents. It is directed towards complaints to the operator raised by residents individually or by the residents committee (as a whole or acting on behalf of a resident).
- 3.3 The complaint does not require a party to surrender any of their legal rights and is intended to assist a complainant and the operator to reach a satisfactory outcome within legislative and

contractual framework.

3.4 A complaint management system may prescribe the circumstances where a complaint will not be considered or may be stopped by the operator. These include:

- (a) The unreasonable conduct of a party in making:
 - (i) repetitive, vexatious, unsubstantiated complaints;
 - (ii) using inappropriate, derogatory or crude language;
 - (iii) fanciful, irrational complaints;
- (b) The failure of the complainant to cooperate or respond to reasonable requests of the operator during an investigation.
- (c) The parties issuing or tendering correspondence or writing that is defamatory towards the operator or any of its employees.
- (d) A party seeks information in relation to another person that could constitute a breach of that person's privacy.

4 The right to complain without consequences

4.1 The driving principles of a complaints management system and procedure can be summarised as follows:

- (a) All residents of a Retirement Community have a right to complain.
- (b) Residents may lodge multiple complaints.
- (c) Complaints should be seen or are taken to be indicators of matters within the Retirement Community that are important to residents and must be addressed and responded to.
- (d) All complaints are to be treated with appropriate respect and importance and a complainant is not to be discouraged, penalised or negatively affected by raising a complaint.
- (e) All complaints are to be treated as confidential and private. Requests for anonymity will be respected unless the circumstances of the complaints handling process requires disclosure and even then, must be disclosed to minimise the incidence and scope of disclosure.
- (f) The complaint system should be accessible to any complainant and appropriate support be provided to any complainant.
- (g) All forms, information or materials required by a complainant to lodge a complaint should be easily accessible and provided to the complainant when requested in a timely manner.

5 Complaint handling and investigation framework

5.1 Complaints are to be made in accordance with the complaints management system, using forms and templates prescribed by the operator for the notification of complaints.

5.2 All complaints are to be treated with the utmost confidentiality and privacy and are to be:

- (a) Acknowledged as having been received;
- (b) Investigated by the operator and where necessary supplemented by additional information;
- (c) Responded to in an efficient and timely manner, commensurate with the urgency and nature of the complaint; and
- (d) Responded to in plain English.

5.3 No complaint can be allowed to impact the rights of residents and staff to work in a safe environment free from harassment and intimidation.

5.4 The circumstances supporting a complaint must be investigated in a manner to ensure:

- (a) the relevant facts and issues are identified and found; and
 - (b) the principles of natural justice are applied to all parties to the complaint.
- 5.5 The complainant and the operator's staff involved in any complaint investigation should be made aware of the expectations of complaints management, including:
- (a) the complaint process itself;
 - (b) who will be responsible for the coordination of the process;
 - (c) expected time frames;
 - (d) the involvement of the complainant and the operator in the process;
 - (e) the possible outcomes and further avenues available should the complaint not be satisfactorily resolved.
- 5.6 The operator will develop a complaints management system that incorporates:
- (a) written policies and procedures;
 - (b) lines of responsibility;
 - (c) appropriate delegations;
 - (d) recording of outcomes and responsibilities for implantation of outcomes; and
 - (e) clear lines of escalation and referral in accordance with the Code of Conduct.
- 5.7 The framework will recognise from the complaint procedure:
- (a) the legislative requirements that may apply;
 - (b) mechanisms to identify areas of improvement in the operations.
- 5.8 Outcomes of the complaint handling process must be recorded and confirmed between the complainant and the operator.
- 5.9 The operator will review complaints lodged and resolved quarterly to ensure and confirm compliance with any agreed outcomes.
- 6 Management of the parties to a complaint**
- 6.1 Parties to a complaint must respectful, courteous, reasonable and fair manner. The operator may at any time stop a complaint process if parties fail to act in a reasonable manner.
- 6.2 Where there are multiple parties, the operator may request the parties to identify a single representative or primary point of contact and may determine to correspond with that person.
- 7 Accountability, monitoring and improvement**
- 7.1 The operator will maintain a record of:
- (a) complaints lodged;
 - (b) outcomes – agreed or otherwise; and
 - (c) compliance and implementation of agreed outcomes.
- 7.2 The operator will include the complaints handling system, complaints reporting and feedback as an agenda item at the annual general meeting of the Retirement Community.
- 7.3 The operator will implement a process of annual review of the complaints handling process to seek feedback from residents, complainants and staff as to:
- (a) Issues or problems in the process;
 - (b) Improvements that can be made to the process.

APPENDIX E

Complaints Form (Internal to Operator)

For office use only	
Case number	
Date	
Sent to	
Receipt number	

Part A Applicants details		
Applicant is (please tick)		
<input type="checkbox"/>	Resident	
<input type="checkbox"/>	Family member of resident and/or representative	
<input type="checkbox"/>	Resident Committee	
<input type="checkbox"/>	Visitor	
Name		
Title	Given name/s	Surname/family name
Address		
		Postcode
Telephone		
()	()	()
Home	Business	Mobile
Fax	()	
Email		
Part B Retirement community details		
Retirement community name		
Retirement community address		
		Postcode

Part C General dispute details	
1. What is the nature of the matter?	
<input type="checkbox"/> accommodation	<input type="checkbox"/> facilities
<input type="checkbox"/> residents contributions	<input type="checkbox"/> mandatory funds
<input type="checkbox"/> operators payments to residents	<input type="checkbox"/> resale process
<input type="checkbox"/> village land	<input type="checkbox"/> other (please set out details in Q4)
2. Has the matter been previously raised with the Community Manager of the Operator?	
<input type="checkbox"/> Yes	<input type="checkbox"/> No
If yes, please provide details:	
3. If the answer to Q2 is “yes”, do you wish to escalate this to a senior manager or executive of the Operator who is not the Community Manager?	
<input type="checkbox"/> Yes	<input type="checkbox"/> No
If yes, please provide details of organisation, location, commencement date and status.	
Part D Details of the dispute	
4. Set out the main points of the dispute:	
<i>Provide main points in dot points or numbered paragraphs. Identify if you will be attaching additional documents (refer to Part E)</i>	
5. Outline the remedy you are seeking to resolve the dispute:	
<i>Outline main points in dot points or numbered paragraphs</i>	
Part E Checklist and signage	

<input type="checkbox"/>	<p>I/we have provided attachments where noted in item 4. The attachments are to not exceed:</p> <ul style="list-style-type: none"> - 5 pages - 2 MB file size (reference which format). <p><i>List the attachments here:</i></p>
<input type="checkbox"/>	<p>I/we consent to being contacted by village management to seek more information about your complaint.</p>
Interpreter	
Is an interpreter required?	
<input type="checkbox"/> Yes	<input type="checkbox"/> No
<i>If yes, please specify language</i>	

PLEASE ADD: Statement on the Retirement Living Code of Conduct, the complaint management framework and principles of the framework and handling of complaints and access to the document.

Sign and date here		
The information in this application is true and correct to the best of my knowledge		
Applicant/s sign here		Date
If more than one applicant is named all must sign the application		

Acknowledge source: Preparation of this form has been drawn from QCAT Form 3 – dispute notice form referral to mediation – *Retirement Villages Act 1999*.

APPENDIX F

Complaints Form (Resident to CAC)

For office use only	
Case number	
Date	
Sent to	
Receipt number	

Part A Applicants details		
Applicant is (please tick)		
<input type="checkbox"/>	Resident	
<input type="checkbox"/>	Family member of resident and/or representative	
<input type="checkbox"/>	Resident Committee	
<input type="checkbox"/>	Retirement Community operator	
Name		
Title	Given name/s	Surname/family name
Company/partnership/other		ABN
Business name		
Address		
		Postcode
Telephone		
()	()	()
Home	Business	Mobile
Fax	()	
Email		
Part B Retirement community details		
Retirement community name		
Retirement community address		
		Postcode
Certification		
<input type="checkbox"/> Yes	<input type="checkbox"/> No	1. Retirement Living Code of Conduct Is the village certified as a signatory to the Retirement Living Code of Conduct? If no, this matter is not the purvey of the Code Administration

		Committee and we would refer you to the Dispute Resolution Services fact sheet on our web site XXXXX for assistance in this matter.
Part C Preliminary negotiation		
<input type="checkbox"/> Yes	<input type="checkbox"/> No	2. Preliminary negotiation Have you attempted to resolve the dispute by internal resolution? Refer to the resolution flowchart for guidance.
<input type="checkbox"/> Yes	<input type="checkbox"/> No	3. Resident dispute Is your dispute between yourself and another resident? If so, this matter is not the purvey of the Code Administration Committee and we would refer you to the Dispute Resolution Services fact sheet on our website for assistance in this matter.
<input type="checkbox"/> Yes	<input type="checkbox"/> No	4. Referral to resolve dispute Are you seeking referral to other avenues of support to resolve the dispute? The Code Administration Committee provides information on agencies that can assist you resolve the dispute.
Part D General dispute details		
6. What is the nature of the matter?		
<input type="checkbox"/> accommodation	<input type="checkbox"/> facilities	
<input type="checkbox"/> residents contributions	<input type="checkbox"/> mandatory funds	
<input type="checkbox"/> operators payments to residents	<input type="checkbox"/> resale process	
<input type="checkbox"/> village land	<input type="checkbox"/> other (<i>please set out details</i>)	
7. Has the matter been addressed by the Community Manager of the Operator or a senior manager or executive of the Operator who is not the Community Manager?		
<input type="checkbox"/> Yes	<input type="checkbox"/> No	
If yes, please provide details:		
8. Have you lodged this dispute with an external independent mediator, arbitrator, industry peak body, government department or statutory authority?		
<input type="checkbox"/> Yes	<input type="checkbox"/> No	
If yes, please provide details of organisation, location, commencement date and status.		
Part E Details of the dispute		
9. Set out the main points of the dispute:		

Provide main points in dot points or numbered paragraphs. Identify if you will be attaching additional documents (refer to Part E)

10. Outline the remedy you are seeking to resolve the dispute:
Outline main points in dot points or numbered paragraphs

Part E Checklist and signage

<input type="checkbox"/>	<p>I/we have provided attachments where noted in item 4. The attachments are to not exceed:</p> <ul style="list-style-type: none"> - 5 pages - 2 MB file size (reference which format). <p><i>List the attachments here:</i></p>
<input type="checkbox"/>	<p>I/we understand the Code Administration Committee (CAC) do not participate in mediation or resolution of dispute and the role is to facilitate the involvement of an external Independent Mediation Service from a panel of mediators (Appendix C, Retirement Living Code of Conduct) for complaints that have met the CAC Policy and Procedures.</p>

Interpreter

Is an interpreter required?

<input type="checkbox"/> Yes	<input type="checkbox"/> No
------------------------------	-----------------------------

If yes, please specify language

PLEASE ADD: Statement on the Retirement Living Code of Conduct, the complaint management framework and principles of the framework and handling of complaints and access to the document.

Sign and date here

The information in this application is true and correct to the best of my knowledge

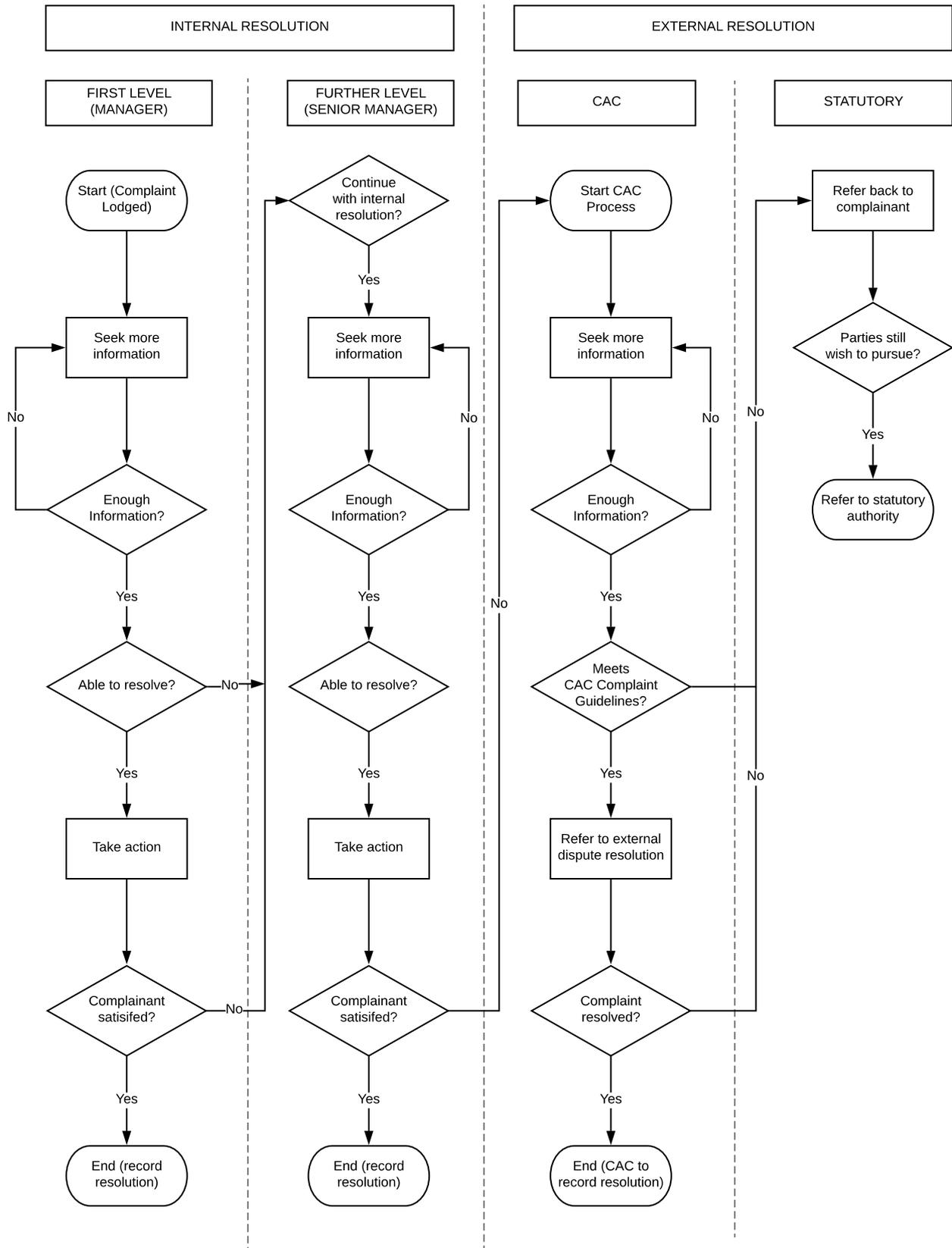
Applicant/s sign here		Date
If more than one applicant is named all must sign the application		

Acknowledge source: Preparation of this form has been drawn from QCAT Form 3 – dispute notice form referral to mediation – *Retirement Villages Act 1999*.

DRAFT

APPENDIX G

Complaints Escalation Flowchart



APPENDIX H

Code Administration Committee Charter

The Code Administration Committee (CAC) Charter references *Boards that Work*, G Kiel and G Nicholson, as referenced in the *Board Charter: Role of the Board*, Australian Institute of Company Directors.

COMMITTEE GOVERNANCE

Committee Composition

The seven-member committee will be comprised of the following members:

- Three members from industry, nominated by each of the three peak bodies; the chair is drawn from the three industry members on an annual rotation.
- One secretary (the secretariat function), selected by the peak bodies on a yearly rotating basis.
- Two resident representatives drawn from nominees of the participating resident representative bodies.
- One regulatory/consumer affairs representative.

Tenure of Committee Members

The appointment will be for an initial two-year term. Thereafter, one third of the committee will be compulsorily retired annually, such that the whole committee will have been renewed every three years. Existing members may stand for re-election.

Role of the Chair

The committee chair is responsible for facilitating CAC meetings in accordance with the Charter, maintaining full participation of its members and ensuring relevant matters are raised and discussed to guarantee the CAC is functioning according to the Charter.

Role of the Secretary

The secretary is the responsible for providing the secretarial requirements of the Committee.

Role of Committee Members

Members bring their experience and expertise to the CAC to help achieve the goals and objectives of the Code. Committee members are expected to work in a collegial, harmonious and constructive fashion.

KEY COMMITTEE FUNCTIONS

Role of the Committee

The CAC oversees the ongoing content, implementation, promotion and effectiveness of the Code.

It also oversees the Complaint-Management Framework outlined in the Code, facilitating external independent dispute resolution services where appropriate and monitoring of related complaints and disputes.

The CAC will consider admitted or alleged non-compliance to Code Commitments by signatories, including disciplinary action.

Monitoring

The CAC is responsible for ensuring the Code's ongoing relevance and should review it as follows:

- A first review of the Code to be held no later than 12 months after its implementation;
- Reviews to then be held once every two years;
- Reviews to be measured against a set of performance indicators to be agreed to by the CAC;
- The CAC to produce an annual review document, in line with the ACCC's suggested template.

Complaints Handling

The Code provides a Complaint-Management Framework to assist the speedy and cost-effective resolution of complaints where possible. The complaint-management policies and procedures of the CAC should be based on AS/NZS 10002:2014 "Guidelines for complaint management in organisations" and use appropriate guidelines outlined in Appendix D.

The Committee is responsible for facilitating external independent dispute resolution for relevant complaints that have escalated to the CAC. Guidelines include:

- The CAC will maintain its own Complaint-Management Framework that will detail how complaints can and should be made and how they are handled.
- The CAC's framework will include a Complaints Register that records the initiation, progress and resolution of complaints made to the CAC.
- The CAC will only consider complaints where the complainant and operator must first have attempted to resolve the complaint at the community or operator level.
- The CAC will not track or record disputes between residents (however, the disputing parties are encouraged to seek resolution through services offered via Appendix C if resolution has otherwise failed).
- Escalated complaints need to be made in writing to the CAC. Certain types of complaints (such as resident-to-resident complaints) will not be handled or recorded by the CAC. Refer to Appendix F: Complaints Form.
- The CAC will facilitate the involvement of an external independent dispute resolution service from a panel (Appendix C) for complaints meeting the CAC Policy and Procedures. The intention is to assist the speedy and cost-effective resolution of complaints where possible, before the matter is escalated to the relevant statutory authority.
- The complainant and operator (the "parties") must both agree to the selection of the Independent Dispute Resolution Service which will be charged at the agreed commercial rates and the costs will be borne by the parties in an agreed ratio.
- The CAC will record the outcome of a dispute resolution process (subject to confidentiality provisions), but the CAC will not be a party to the process, nor the mediator, agent or representative of the parties.
- Nothing in the complaints management process prevents the complainant or the operator from pursuing other avenues, including their own independent mediation, or their statutory rights, including making an application directly to the relevant statutory body. No part of the process can prejudice the rights of the parties.

Code Register

The CAC will manage and maintain a register of signatories to the Code that will be publicly available (via a website) and shows the current compliance status of the signatory.

Complaints Register

The CAC will manage and maintain a register of complaints that have escalated to the CAC, recording the initiation, progress and resolution of such complaints.

The Code Register will not seek to record details of the resolution of complaints but will simply state whether the complaint has been resolved and what further escalation is involved, if any and if known.

Compliance and Self-Assessment

The CAC oversees the self-assessment of signatories, who must annually certify that they have met the Commitments of the Code. Upon receipt of the Annual Compliance Statement (in the form in Appendix A), the CAC will issue a Compliance Certificate to the signatory and update the Code Register.

Non-Compliance

The CAC will investigate a reported compliance failure of signatories and these complaints will be tracked through the Complaints Register.

Financial Management

The CAC is responsible for overseeing the financial affairs of the maintenance and management of the Code and its operations, including but not limited to: the Code Register, the secretarial function, any marketing and advertising, any technology infrastructure required, and the Complaints-Management Framework.

An annual budget will be prepared by the secretary and agreed by the committee at least one month prior to the start of the new financial year. Expenses will be tracked against the budget on a monthly basis and reported to the committee by electronic correspondence monthly. Any variance to the budget (or forecast variance) greater than \$### will necessitate a CAC meeting.

Risk Management

The CAC should consider a broad range of risks and ensure appropriate plans and/or policies are in place.

This include consideration of general workplace health and safety, insurance requirements, employment issues associated with the secretariat, risks to volunteer committee members, where meetings are convened, the maintenance of records including the protection of information and the privacy of individuals and organisations, and management of any finances.

Stakeholder Communications

The CAC is responsible for clearly and regularly communicating with signatories, resident representative organisations, regulatory stakeholders, the Peak Bodies and operators who are not yet signatories.

Amongst other things, the CAC should communicate to relevant stakeholders any proposed or adopted change to the Code, matters relating to compliance, marketing and promotion of the Code and legislative impacts on the Code.

Decision-making

The Committee should aim to find agreement on matters for decision. Ultimately a simple majority will carry a vote, with the chair holding the deciding vote if required.

IMPROVING COMMITTEE PROCESSES

Committee Meetings

The Committee meets a minimum of twice annually, or more frequently if deemed necessary by the Committee. Meetings may be held in person or by telephone, teleconference or other appropriate means.

Attendance at the meetings - in person or otherwise - is a key responsibility of members.

Committee Meeting Agenda and Minutes

A written meeting agenda should be circulated to all members by the chair (via the Secretary) at least a week prior to the meeting. It should articulate issues to be discussed. The circulation of the agenda forms the Notice of Meeting and should include: invitees, the time, date and location of the meeting, and agenda items.

Items to be included on the agenda should include: meeting opening (apologies, conflicts, previous minutes); matters for decision; matters for discussion (including Code evaluation and complaints); matters for noting and meeting finalisation (action items arising, decisions, details of the next meeting).

Minutes should be circulated within one week of the meeting by the secretary. The minutes should clearly record the details of the meeting and the decisions made at the meeting. Minutes should be discussed and adopted at the subsequent meeting.

Committee Papers

Papers should be circulated with the agenda and should include: financial reporting; a report of complaints being handled by the CAC; proposed alterations to the Code Commitments; a summary report on the status of signatories; any non-compliance of signatories for discussion.

Committee Calendar

The secretary is responsible to set and distribute proposed meeting dates via the committee calendar, which should be circulated one month prior to the start of a new financial year.

The calendar should set out in advance annual activities required at each meeting, including member evaluation, audits, annual Code evaluation, complaints evaluation, and new member selection.

COMMITTEE EFFECTIVENESS

Key Aims

The CAC aims to foster a culture of mutual respect, openness and honesty. The Committee, while fostering robust and honest discussion, should act with a common purpose.

Member Protection

[to be discussed and agreed by the Peak Bodies]

Ongoing Member Evaluation

The Committee should evaluate its performance, including the individual performance of members, on an annual basis. Evaluation is managed by the chair and may be externally facilitated.

The evaluation process can be via interviews, a survey or both.

The results of the evaluation process should be incorporated into meeting papers, including any

improvement plans, which need to be agreed by the Committee. These plans or actions should be measurable and measured over the ensuing year.

Member Remuneration

There is no remuneration for committee members, the role being undertaken on a voluntary basis.

New Member Nomination, Evaluation and Selection

The nomination process for new CAC members will contain the following:

- Nominations for available seats should be called by the secretary four months prior to the scheduled retirement of members as outlined in the tenure section above;
- Nominees should submit their application in writing to the chair within one month of nominations being called;
- Nominations should provide written evidence of their suitability to hold the position and include referees.

The new member evaluation process will consider the following:

- Skills, knowledge and experience of the nominees;
- The current composition of the Committee, ensuring new members complement and enhance the current committee ensuring a broad range of skills and experience;
- Diversity of the members;
- Availability of nominees to fulfil their role and responsibilities;

The new member selection process will require:

- New members are recommended by the chair and voted by the Committee (except outgoing members);
- New members will be formally engaged in writing through the receipt of a letter of engagement from the chair that sets out their roles and responsibilities.
- New members will receive an orientation or induction from the secretary regarding the Code, the role of Committee, the role and responsibilities of members and parameters regarding any conflicts of interest.

Member development

Members should maintain their knowledge of the Code, of other industry codes and of regulatory impacts on the Code.

The secretary should organise appropriate training.

APPENDIX I

About the Peak Bodies

Retirement Living Council

The Retirement Living Council (RLC) plays a critical leadership role in the ongoing growth and sustainability of the retirement living industry. The RLC is a division of the Property Council of Australia, the leading advocate for Australia's \$600 billion property industry and counts the bulk of the nation's major investors, property owners and developers among its members.

The RLC is the only national organisation solely focused on advocating on the critical issues facing housing and services for older people, supporting and promoting members and the retirement living industry at large.

Our members determine the industry's national priorities and set the advocacy agenda, which includes enabling age pensioners to unlock home equity to allow them to downsize without penalty, improving the planning treatment of retirement communities and promoting the independently proven benefits of retirement community living.

The RLC is dedicated to proactively generating greater understanding about the lifestyle opportunities retirement communities provide for older Australians and the positive impacts they have on the wider community.

Leading Aged Care Services

Leading Age Services Australia (LASA) is the national peak body representing and supporting providers of age services across residential care, home care and retirement living. It represents members by advocating their views on issues of importance and supports them by providing information, services, training and events to enhance performance and sustainability.

LASA's aim is to enable a high performing, respected and sustainable age services industry delivering affordable, accessible, quality care and services for older Australians.

Aged and Community Services Australia

Aged and Community Services Australia (ACSA) is the leading peak body supporting more than 700 church, charitable and community-based not-for-profit organisations providing accommodation and care services to older Australians. ACSA is at the forefront representing, leading and supporting members to achieve excellence in providing quality affordable housing and community and residential care services for older Australians.

ACSA is committed to being a strong and effective advocate for members by providing a strong national voice and leading the national aged care agenda, delivering efficient services at the local level through effective internal processes and governance.