

Complaints and Internal Dispute Resolution Procedure

New South Wales Communities



Section 1 – Purpose of this procedure

We are required to prepare and maintain a procedure for dealing with Complaint resolution and Internal Dispute resolution under the *Retirement Villages Regulation 2025* (NSW) (the **Regulation**).

This document sets out those procedures. It explains:

- how a resident can give notice of a Complaint or an Internal Dispute;
- how we will deal with a Complaint or Internal Dispute once notice is given;
- the protections that apply to a resident who gives notice; and
- how a resident can seek external advice or assistance.

This document has been prepared to comply with Schedule 9, Part 5 of the Regulation. It does not replace or limit any rights a resident has under the *Retirement Villages Act 1999* (NSW) (the **Act**), the Regulation, any other law, or any agreement between Aveo and the resident.

Section 2 - Definitions

In this procedure, the following terms have these meanings.

Complaint	An expression of unhappiness or dissatisfaction made by a resident living in an Aveo retirement living community, or a person acting on behalf of a resident, in respect of the village, our services or our staff. For the purposes of this procedure, a Complaint is not: • an Internal Dispute between residents; • a complaint where the subject matter does not relate to another resident (for example, a complaint about an Aveo supplier, about a neighbour on property adjoining an Aveo community); • a complaint in respect of Aveo's provision of care or other matters that are within the ambit of the <i>Aged Care Act 1997</i> (Cth), including matters that are handled under our Care Governance Complaint and Feedback Handling Procedure, and in respect of care delivered under the Support at Home program; • a formal dispute that is already the subject of proceedings before a court or tribunal.
Complaint Resolution Process	A process for the resolution of Complaints made by residents (or their representatives).
Internal Dispute	A disagreement between:

	• a resident and Aveo (including our staff); • between two or more residents. Importantly, a Complaint is not an Internal Dispute simply because a resident asks someone to do or stop doing something. An unresolved Complaint may become an Internal Dispute, if the parties cannot agree on how to resolve the Complaint. Further, for the purposes of this procedure, an Internal Dispute is not: • a dispute between a resident and an external party; • a dispute about the provision of care under the <i>Aged Care Act 1997</i> (Cth), including matters that are handled under our Care Governance Complaint and Feedback Handling Procedure, and in respect of care delivered under the Support at Home program; • a formal dispute that is already the subject of proceedings before a court or tribunal.
Internal Dispute Resolution Process	A process for the resolution of Internal Disputes between a resident and the operator or between 2 or more residents.
Operator and resident	These terms have the meanings given to them in section 4(1) of the Act.
Residents Committee	This term has the meaning given to it under section 4(1) of the Act.
Tribunal	This term has the meaning given to it in section 4(1) of the Act.

Section 3 – Contact persons to give notice to

A resident may give notice of a Complaint or an Internal Dispute to:

- (1) **Primary Contact Person:** the Community Manager for the retirement village they live in;
- (2) **Alternative Contact Person/s:**
 - (a) Aveo's Resident Services Hotline
Phone: 1800 316 901
By email: residentservices@aveo.com.au
 - (b) Aveo's Company Secretarial team
By email: companysecretarial@aveo.com.au
 - (c) Mohamed Hage Hassan – General Manager – Operations
By post: c/o- The Living Company, Level 14, 275 George Street, Sydney NSW 2000
By email: mohamed.hagehassan@aveo.com.au
Phone: 02 9270 6129 / 0436 641 828
 - (d) Jo-Anne Quinn – Regional Operations & Resident Services Manager
By post: c/o- The Living Company, Level 14, 275 George Street, Sydney NSW 2000
By email: joanne.quinn@aveo.com.au

Section 4 – How to give notice of a Complaint or Internal Dispute

Who may give notice?

A resident of an Aveo village in NSW, or someone acting on their behalf, may make a Complaint or raise notice of an Internal Dispute they are involved in.

We may require provision of a power of attorney, guardianship or administration order before we provide a substantive response to someone acting for a resident.

We accept anonymous notices but cannot acknowledge or respond to them.

Who to give notice to?

Notice of the Complaint or Internal Dispute may be given to:

- the Primary Contact Person identified in Section 3 of this Procedure;
- the Alternative Contact Person, if the Complaint or Internal Dispute involves the Primary Contact Person, or if the Primary Contact Person is not available or empowered to deal with the Complaint or Internal Dispute.

How can notice be given?

Notice may be given in any of the following ways:

- (1) **verbally:** by making the Complaint or describing the Internal Dispute to the relevant contact person either in person or by telephone;
- (2) **in writing, by post:** by sending a document making the Complaint or describing the Internal Dispute to the postal address of the relevant contact person;
- (3) **in writing, in person:** by giving a document making the Complaint or describing the Internal Dispute to the relevant contact person; or
- (4) **in writing, by email:** by sending an email making the Complaint or describing the Internal Dispute to the relevant contact person.

Section 5 – How we will deal with a Complaint or Internal Dispute

Acknowledging the Complaint or Internal Dispute

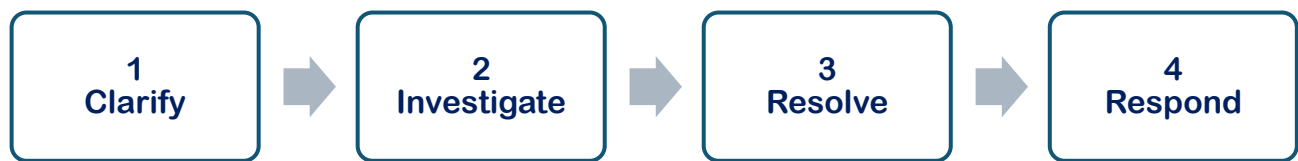
As soon as practicable after receiving notice of a Complaint or an Internal Dispute, we will acknowledge receipt of the notice and confirm who will be responsible for handling the matter and responding for Aveo.

This acknowledgement will be provided within 5 business days of receiving notice.

We will not do this if the person who received the notice believes on reasonable grounds that the Complaint or Internal Dispute has been settled to the satisfaction of the resident who gave the notice.

Our Complaint Resolution Process

After receiving notice and acknowledging receipt, we will work to respond to the Complaint in a way that is timely, impartial, and consistent with the Act, the Regulation and any applicable contract. In doing this, we will:



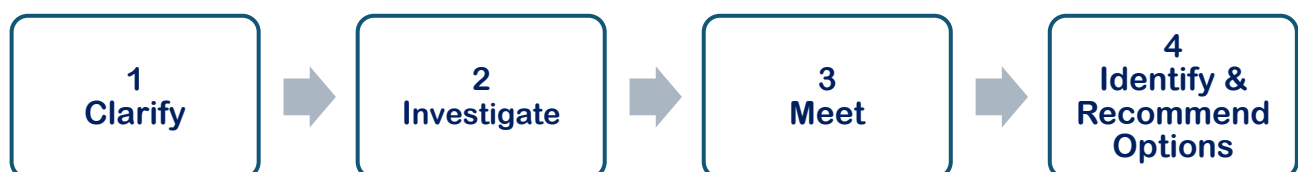
- (1) **Clarify:** We will discuss the Complaint with the resident who gave the notice as necessary, to clarify the issues and outcome the complainant is seeking, and obtain any supporting information the complainant may be able to provide to evidence or support their position;
- (2) **Investigate:** We will investigate the matters the subject of the Complaint, including by speaking to any other person who we consider may be able to provide further information about the Complaint;
- (3) **Resolve:** We will seek to resolve the Complaint, having regard to the complainant's preferred outcome, as quickly as possible and in any event within 60 days of receiving the notice.
- (4) **Respond:** We will provide a response to the complainant, confirming what actions we have or are taking to resolve the Complaint.

Once these steps have been completed, we will treat the Complaint as being closed, unless the complainant provides further information allowing the matter to be reconsidered.

If the resident is not satisfied with our response, they may escalate their Complaint internally to the Alternative Contact Person (see Section 3) or externally (see Section 7).

Our Internal Dispute Resolution Process

After receiving notice of an Internal Dispute and acknowledging receipt, we will work to resolve the Internal Dispute in a way that is timely, impartial, and consistent with the Act, the Regulation and any applicable contract. In doing this, we will:



- (1) **Clarify:** We will discuss the Internal Dispute with the person who gave the notice as necessary, to clarify the issues and outcome the person is seeking, and obtain any supporting information the person may be able to provide to evidence or support their position;
- (2) **Investigate:** We will investigate the matters the subject of the Internal Dispute, including by speaking to any other person who we consider may be able to provide further information about the Internal Dispute;
- (3) **Meet:** where the Internal Dispute is:
 - (a) **between a resident and Aveo:** we will invite the resident to meet or discuss the Internal Dispute with us, if they agree;

- (b) **between two or more residents:** we will invite each resident to describe their perspective and facilitate a meeting or discussion between them, if they agree.

Residents who attend a meeting may be accompanied by a support person of their choosing (including a member of the Residents Committee).

- (4) **Identify and recommend options:** We will identify and recommend options to resolve the dispute and invite the parties to confirm whether any of the options are acceptable.

Once these steps have been completed (regardless of whether the parties to the Internal Dispute have agreed on an option to resolve the Internal Dispute or not), we will treat the Internal Dispute as being closed.

If a resident is not satisfied with our response, they may escalate their Complaint internally to the Alternative Contact Person (see Section 3) or externally (see Section 7).

Behaviour during the Resolution Process

Aveo staff are not expected to tolerate behaviour that is abusive, harassing, aggressive, offensive, threatening or vexatious. If this behaviour occurs during the Complaint or Internal Dispute Resolution Process, we may cease the process and escalate the matter internally. We may also decide not to respond to a Complaint or Internal Dispute that is raised in this way, or which is vexatious.

Section 6 - Protections for residents

No detrimental action

We will not take any action in relation to a Complaint or an Internal Dispute that might reasonably be regarded as:

- discouraging a person from making a Complaint or pursuing Internal Disputes;
- causing detriment to a resident because they have given or propose to give notice of a Complaint or Internal Dispute.

Right to be represented

A person who makes a Complaint or is a party to an Internal Dispute may be represented by another person (for example, a family member, friend, advocate or legal representative) when dealing with the matter, including at any meeting that may occur.

We will not take any action that prevents a resident from seeking assistance, support or representation from their Residents Committee.

Protection of privacy

Aveo will at all times conduct itself in accordance with The Living Company's privacy policy. This includes taking reasonable steps to verify that any third party who purports to act for a resident has authority to act on that resident's behalf before we deal with them.

Section 7 – External escalation and advice

NSW Fair Trading

A resident or other complainant may seek advice or raise their Complaint / Internal Dispute with NSW Fair Trading at any time. The resident or other person is not required to use this internal procedure before contacting NSW Fair Trading. NSW Fair Trading may agree to conduct a voluntary mediation to resolve the matter.

NSW Fair Trading may be contacted by:

Post	NSW Fair Trading, PO Box 972, Parramatta NSW 2124
Phone	13 32 20
Online	https://www.cas.fairtrading.nsw.gov.au/icmspublicweb/forms/Tenancy.html

The Tribunal

Noting in this procedure prevents a resident from exercising any right they may have to apply to the Tribunal, or to another court or tribunal if appropriate, in relation to their Complaint / Internal Dispute.

Section 8 – Recording, reporting and reviewing

We will keep a record of all Complaints and Internal Disputes that we have been given notice of, including records of any outcome reached and any action we have taken. These records will be maintained in accordance with the Regulation and in accordance with our privacy obligations.

We will regularly review the data and information we collect in respect of Complaints and disputes to ensure our processes are being followed and remain suitable and effective.

Section 9 - Availability of this procedure

We will make this procedure available:

- on our website;
- on request to any resident who asks for a copy;
- on official noticeboards in our communities.

Section 10 - Questions about this procedure

Any questions about this procedure (as distinct from a notice of a Complaint or Internal Dispute) may be directed to the primary contact person referred to in Section 3 above.

Document control

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