

Dispute Resolution Policy

Last Updated February 2025
Version 1.3



At a glance

Responsibility, review and breaches of this policy

Compliance Manager is the “Responsible Person” who oversees this policy.

The policy is reviewed periodically in accordance with our Compliance Diary & Checklist.

If a breach of the policy occurs, we follow the procedure set out in our Breach Reporting Policy.

Identifying a complaint

- A complaint is an expression of dissatisfaction made to, or about, us; related to our products, services, staff or our handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required.
- A complaint can be made by phone, email, social media post or in person.

Recording complaints

- All complaints must be captured and recorded in the Complaints Register irrespective of how they are made or when they are resolved.

Acknowledging a complaint

- All complaints will be acknowledged in writing within 24 hours (or one business day) of being received, or otherwise as soon as practicable.

Responding to a complaint

- Generally, within 30 days of receiving a complaint, the complainant must be provided with a final response in writing.
- A final written response must inform the complainant of the final outcome of the complaint and contain specific information where the complaint is rejected in full or in part.
- A final written response must also inform the client of their right to escalate the complaint to AFCA.

Monitoring

- Complaints handling data must be analysed and reported on regularly.

Key requirements

Licensee

Do	When
Assess adherence to the policy	When complaints are received, and as part of the annual review process
Ensure the Complaints Register captures all complaints received	When complaints received, and as part of the annual review process
Analyse complaints handling data and report	Each quarter
Ensure all representatives and staff who deal with customers have an understanding of the dispute resolution policy (e.g. ensuring policies are available, and conducting training at least annually)	At all times
Ensure there are simple and accessible arrangements for resolving complaints (e.g. procedures for monitoring the Complaints Register and recording complaints)	At all times

Representative

Do	When
Ensure that you are familiar with, and comply with this policy	At all times
Try to resolve a complaint if possible, or commit to doing something immediately (within the authorisations provided to you by the Licensee)	When a complaint is received
Refer all complaints to the Responsible Person nominated by the Licensee	When complaints are received
Record all complaints in the Complaints Register	When complaints are received
Ensure each complainant is provided with a final response in writing no later than 30 calendar days (45 for traditional trustee complaint, 45 for superannuation trustee complaints, 90 for superannuation death and benefit distribution complaints) after the complaint is received	Within 30 calendar days (45 for traditional trustee complaints, 45 for superannuation trustee complaints, 90 for superannuation death and benefit distribution complaints) of a complaint being received, unless an exception or different time frame applies

DO NOT

Ignore a complaint or categorise a complaint as “feedback”, an “enquiry” or a “comment” where it meets the definition of a complaint as defined in this policy

Insist that complaints must be submitted in writing

Fail to renew the membership with AFCA

Introduction and scope

This policy sets out our measures for handling complaints through our internal dispute resolution (IDR) process. The policy relates to all of our representatives, including its dedicated complaints handling staff.

This policy does not address:

- requirements specifically relating to external dispute resolution (EDR);
- CPD requirements set out in the Licensee’s documented CPD Policy; or
- base training and qualification requirements for entry into a representative’s particular role.

Base training and qualification requirements are addressed in the Licensee’s policies for Appointing a Responsible Manager or Key Person, and Appointing Representatives.

How does the law apply to our business?

We must have a dispute resolution system in place that consists of an IDR procedure that complies with the standards and requirements made or approved by ASIC¹. We must also be a member of the Australian Financial Complaints Authority (AFCA)².

This policy has been developed with reference to Australian Standard 10002:2014, and the minimum requirements of ASIC’s Regulatory Guide 271: *Internal dispute resolution*, which comes into effect on 5 October 2021.

Our IDR process covers complaints made against us³ (and our representatives). Information about our IDR process and how it can be accessed by a client is included in our FSG⁴.

We are also required to have a readily accessible public complaints policy on our website⁵. Our Public Complaints Policy Template is available on our website and includes an explanation of:

- what a complainant must do to lodge a complaint;
- what assistance is available to a complainant with respect to lodging a complaint;
- the key steps we will take when dealing with the complaint;
- our response timeframes; and
- details about how the complainant can access AFCA if the complaint is not resolved.

What is our approach?

We acknowledge the importance of having an effective and efficient complaints handling and internal dispute resolution framework. In this regard, we adopt a customer-focused approach, are open to feedback, and demonstrate our commitment in our actions and the resources we make available to dispute resolution.

This policy covers complaints made by:

- a retail client⁶, including a small business as defined in the AFCA Rules⁷;
- a superannuation fund member or third party beneficiary, including:
 - Superannuation product holders:
 - members or former members of a regulated superannuation fund (but not an SMSF);
 - beneficiaries or former beneficiaries of an approved deposit fund;
 - people with an interest in a superannuation annuity policy issued by a life company;
 - holders or former holders of an RSA; and
 - people with an interest in an insurance contract where the premiums are paid from an RSA;
 - beneficiaries with an interest in a death benefit; and
 - parties (and intending parties) to an agreement under the *Family Law Act 1975* or order affecting superannuation, including:
 - a member, beneficiary or RSA holder's spouse or former spouse who is a party to an agreement, or subject to an order about that person's superannuation interest; and
 - someone eligible to request information about that superannuation interest.

There is no charge payable by a complainant for making a complaint to us or for accessing material that explains our IDR process.⁸

All complaints should be immediately referred to the Compliance Manager who is referred to in this policy as the "Responsible Person" for this area.

The Responsible Person will ensure that complaints are handled genuinely, promptly, fairly and consistently.

The Responsible Person has sufficient training and competence to deal with complaints, including⁹:

- knowledge of ASIC's RG 271 (and its predecessor ASIC RG 165);
- consumer protection laws relating to financial/credit products and services;
- AFCA approaches;
- relevant industry codes;
- an understanding of the products and services offered by us; and
- the ability to identify and assist complainant's needing assistance to lodge their complaint.

The Responsible Person has ready access to the person who has the necessary authority to settle complaints¹⁰.

What is a complaint?

For the purposes of this policy, a complaint is:

An expression of dissatisfaction made to or about us¹¹, related to our products, services, staff or our handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required.¹²

We will deal with expressions of dissatisfaction that meet the definition of a complaint under this policy¹³.

We take a proactive approach to identifying complaints. A complainant is not required to expressly state the word 'complaint' or 'dispute' for us to deal with the matter in accordance with this policy.

Complaints include¹⁴:

- posts on a social media channel or account that we own or control (or that our representatives own or control) where the author of the post is identifiable and contactable;
- an objection to a proposed decision about how and to whom to pay a superannuation death benefit distribution;
- complaints about a matter that is the subject of an existing remediation program, or about the remediation program itself (including delays and lack of communication); and
- complaints about the handling of an insurance claim (including excessive delays or unreasonable information requests).

We will not categorise a complaint as 'feedback', an 'enquiry', a 'comment' or similar, merely because:

- the complainant expresses their dissatisfaction verbally;
- we consider the complaint is without merit; or
- we have made a payment of goodwill to the complainant without any admission of error¹⁵.

Instances as such will still be dealt with within our complaints and internal dispute resolution process.

All complaints involving a privacy issue must consider and apply our Privacy Policy, if applicable.

A complaint may also involve a breach of the financial services laws or a condition of our Australian Financial Services Licence. See our policy on Breach Reporting for further details.

IDR process

We ensure that our IDR process is easy to understand and use, including by complainants with a disability or language difficulties¹⁶. Please refer to dealing with “Vulnerable Clients” Licensee Standard.

Complaints do not need to be made in writing¹⁷. They can be made by phone, email, social media post or in person.

If required, at the time a complaint is made, we will offer the complainant assistance with making their complaint. For example, where a complainant’s literacy skills are limited or they have legitimate special needs, assistance will be given with filling in forms or expressing their complaint.

A complainant may also appoint a representative to act on their behalf in relation to lodging and resolving a complaint with us¹⁸. We will obtain a third party authority from the complainant to liaise with their appointed representative. Where a complainant appoints a representative, we will not contact the complainant directly, unless¹⁹:

- the complainant specifically requests that we directly communicate with them;
- we reasonably believe that the representative is not acting in the complainant’s best interests. The Responsible Person is responsible for determining this;
- we reasonably believe that the representative is acting in a deceptive or misleading manner with us or the complainant. The Responsible Person is responsible for determining this;
- we reasonably believe that the representative is not authorised to represent the complainant. The Responsible Person is responsible for determining this; or
- the representative has been excluded by AFCA from representing complainants in relation to complaints lodged with AFCA.

We will address complaints in accordance with their urgency. This may require us to prioritise complaints according to the urgency and severity of the issues raised.²⁰

Recording complaints

All complaints must be captured and recorded in our Complaints Register²¹ by the Responsible Person irrespective of:

- how the complaint is received (e.g. in writing, orally, via social media or in person); or
- whether the complaint is resolved by the end of the fifth business day after receipt.

The following details must be recorded in the Complaints Register:

- the complainant’s name;
- the date the complaint was received;
- the product or service complained about;
- brief details of the complaint;
- whether there is any evidence of a breach of the financial services laws or our licence;
- whether a complaint has been made to AFCA;
- whether there is a need to notify our PI insurer and whether this has been done;
- any action taken and decisions made (remedy, determination, result);

- the date the complaint was resolved;
- whether any training needs have been identified as a result of the complaint; and
- whether the complaint gives rise to a risk that should be included in our Risk Register.

The Responsible Person must ensure that information relating to complaints is properly recorded in the Complaints Register throughout the lifecycle of each complaint.

Oral complaints

Where a complaint is made orally, the following procedure must be followed:

- identify yourself, listen, record details and determine what the complainant wants to resolve the complaint;
- confirm the details received;
- empathise with the complainant in a courteous manner;
- do not attempt to lay blame or be defensive;
- acknowledge receipt of the complaint²² (orally, and in writing within 24 hours of one business day, or as soon as practicable), and retain a record of the acknowledgement having been made (for example, a file note, telephone recording or a copy of the written acknowledgement);

refer the complainant to our Public Complaints Policy Template on Bombora Advice website;

- resolve the complaint if possible, or commit to doing something immediately, irrespective of who will ultimately handle the complaint. For example, a correction to the client's records or a simple apology may be sufficient;
- if the complaint cannot be immediately resolved, outline the next steps of the process, being careful not to create unrealistic expectations;
- provide the name and contact details of the person who will be formally dealing with the complaint (i.e. the Responsible Person);
- confirm how the complainant wishes to be communicated with (by post, email, phone, etc.);
- record the complaint in the Complaints Register (even if the complaint was able to be resolved immediately); and
- refer the complaint to the Responsible Person (even if the complaint was able to be resolved immediately).

Written complaints

A complaint may be made in writing, by email or via social media. Where a complaint is made in one of these ways, the complaint must be:

- acknowledged within 24 hours (or one business day) of the complaint being received, or as soon as practicable²³;
- immediately referred to the Responsible Person; and
- recorded in the Complaints Register.

When deciding how to acknowledge the complaint, we must have regard to the way the complainant communicated the complaint to us, and any preferences the complainant may have communicated when making the complaint.

Where a complaint is acknowledged:

- orally – a file note must be made of the fact that the complaint was acknowledged;
- in writing – a copy of the acknowledgement must be retained (e.g. letter, email, screenshot of social media message).²⁴

A written acknowledgement of a complaint must inform the client that we will attempt to resolve the complaint within 30 days²⁵, and:

- outline our IDR process; and
- explain the availability of AFCA, including relevant contact and membership details in the event that the complaint is not able to be resolved to the complainant's satisfaction.

Investigating complaints

The Responsible Person will consider the complaint within 7 days of it being referred to them, and seek appropriate supporting information and advice (where necessary) within 7 calendar days.

Any request for additional information or clarification from the complainant must clearly state that the complainant's response is required within 7 calendar days in order for us to comply with stipulated response times.

During this period, the Responsible Person will check all correspondence addressed to the complainant prior to it being sent.

Until a complaint is finalised, the Responsible Person remains responsible for:

- maintaining contact with the complainant to ensure that they are informed of the progress of their complaint;
- ensuring that the complaint is continued until either a final decision is made, or the complaint is withdrawn by the complainant;
- maintaining the complaint files, including copies of all enquiries, information, documentation, investigations and decisions; and
- liaising with our professional indemnity insurer.

Timing of final response in writing

Where a complaint has remained unresolved for more than five business days after being received²⁶; or where a complainant requests a final response in writing²⁷, the Responsible Person will ensure that a final response in writing is provided to a complainant within the timeframes set out in the table below.

Complaint type	Maximum timeframe for IDR response
Standard complaints	No later than 30 calendar days after receiving the complaint
Traditional trustee complaints	No later than 45 calendar days after receiving the complaint ²⁸
Superannuation trustee complaints, except for complaints about death benefit distributions	No later than 45 calendar days after receiving the complaint ²⁹
Complaints about superannuation death benefit distributions	No later than 90 calendar days after the expiry of the 28-calendar day period for objecting to a proposed death benefit distribution (referred to in section 1056(2)(a) of the Act ³⁰).

When providing a final written response, the Responsible Person must consider the complaint in an objective and fair manner,³¹ and obtain legal advice if necessary.

When a final response in writing is not required

A final response in writing does not need to be provided if the complainant has not requested a written response and, by the end of the fifth business day after the complaint was received, we have:

- resolved the complaint to the complainant's complete satisfaction; or
- given the complainant an explanation and/or apology in circumstances where we cannot take any further action to reasonably address the complaint³². The Responsible Person is responsible for determining whether such circumstances exist.

Where reasonably practicable, the Responsible Person will obtain confirmation in writing from the complainant that the complaint has been resolved to the complainant's complete satisfaction, or that they do not wish to pursue their complaint further³³.

However, a final response must be provided if the complaint was closed by the end of the fifth business day following its receipt and the complainant requests a written response or the complaint relates to:

- hardship;
- a declined insurance claim;
- the value of an insurance claim; or
- a decision of a superannuation trustee.

Contents of final response in writing

A final written response must:

- inform the complainant of the final outcome of the complaint³⁴ which will consist of:
 - acceptance of the complaint and, where appropriate, offering a remedy; or
 - offering a remedy without accepting the complaint; or
 - rejecting the complaint (in full or in part);
- where the complaint is rejected (in full or in part)³⁵:
 - identify and address the issues raised by the complainant;
 - set out our findings on the material questions of fact, making reference to relevant supporting information; and
 - provide sufficient detail for the complainant to understand the reason(s) for our decision so the complainant is fully informed when deciding whether to escalate the complaint to AFCA or another forum;
- inform the complainant that they have the right to take the complaint to AFCA³⁶;
- provide the complainant with AFCA's contact details³⁷;

When considering the appropriate remedy to a complaint, the Responsible Person will consider:

- the compensation principles applied by AFCA;³⁸
- relevant legal principles;
- relevant codes of conduct;
- fairness; and
- relevant industry best practice.

Possible remedies to a complaint may include³⁹:

- an explanation of the circumstances giving rise to the complaint;
- provision of assistance and support;
- rectification;
- an apology;
- a refund or waiver of a fee or charge;
- a goodwill payment;
- compensation; and
- correcting incorrect or out-of-date records;

The Responsible Person is responsible for ensuring that complaint outcomes are implemented in a timely manner⁴⁰, and are recorded in the Complaints Register.

ASIC expects there to be a high degree of consistency in remediation outcomes, whether remediation occurs through the IDR process, AFCA or through a large-scale review and remediation program⁴¹. See our policy on Client Review and Remediation for further details.

Unreasonable or challenging complainant conduct

We acknowledge that our clients have the right to complain. However, we also acknowledge that our representatives have the right to be treated with respect and to feel safe when dealing with those complaints.

Any complainant conduct that is considered to be unreasonable or challenging must be referred to the Responsible Person.

Examples of unreasonable conduct may include:

- unreasonable persistence, such as excessive calls, email or letters;
- unreasonable demands, such as that their complaint be given priority where there is no urgency;
- an unreasonable lack of co-operation, such as refusing to engage in the complaints process;
- unreasonable arguments, for example, expressing irrational claims, beliefs or conspiracy theories; and
- unreasonable behaviour, such as making threats of harm to representatives, our business premises.

Monitoring

Our Board has set clear accountabilities for complaints handling functions, including the management of systemic issues that are identified through complaints⁴².

The Compliance Manager is responsible for monitoring the Complaints Register from time to time, depending on the existence or frequency of complaints. The Compliance Manager will ask the following questions:

- are there systemic problems, trends, patterns, issues or conduct?
- are they being addressed?
- are problems being reported to the Responsible Person in a timely manner?
- are the complaints being handled efficiently and fairly?
- going forward, what additional guidance and/or support can be provided to representatives to improve client satisfaction and/or compliance with financial services laws? The Responsible Person will discuss any training requirements with the person responsible for training.

The Compliance Manager is also responsible for maintaining and analysing all complaints handling data, including:

- number of complaints received⁴³;
- number of complaints closed⁴⁴;
- nature of complaints⁴⁵;
- time taken to acknowledge complaints⁴⁶;
- time taken to resolve or finalise complaints⁴⁷;
- complaint outcomes, including⁴⁸:

- number of complaints resolved;
- number of complaints unresolved;
- number of complaints abandoned/withdrawn; and
- details of amounts paid to complainants to resolve complaints;
- possible systemic issues identified⁴⁹;
- number of complaints escalated to AFCA or another forum⁵⁰;

When it comes to managing systemic issues (which may be identified from complaints handling data), we⁵¹:

- encourage and enable our representatives to escalate possible systemic issues identified through complaints to the Compliance Manager;
- require the Compliance Manager to regularly analyse complaint data sets to identify systemic issues; and
- requires the Compliance Manager to escalate possible systemic issues to the appropriate areas of the Licensee for investigation and action and to report internally on the outcome of investigations.

The Compliance Manager will report complaints handling data, including metrics and analysis of complaints, systemic issues identified through complaints, the details of decisions made and actions taken in respect of complaints, at the compliance committee meetings and the board meetings.⁵²

ASIC acknowledges that systematic issues may be identified by analysing trends in complaints made to the Licensee or through AFCA⁵³. Consequently, where a complaint is unlikely to be an isolated event or causes actual or potential monetary loss or non-monetary detriment to a number of clients, the Compliance Manager will also consider our policy on Breach Reporting for further details, as well as our policy on Client Review and Remediation.

Resourcing

Maintaining adequate complaints handling staffing levels helps to ensure that our IDR processes are operating fairly, effectively and efficiently⁵⁴.

We regularly monitor and review our complaint staffing levels to ensure that we are adequately resourced to respond to complaints within required timeframes, and to take into account that complaint volumes may increase and decrease at times.

AFCA membership

We are required to be a member of an external dispute resolution organisation.⁵⁵ Accordingly, we are a member of AFCA.

The Compliance Manager will diarise when the Licensee's AFCA membership is due for renewal.

The Compliance Manager must notify ASIC within 3 days of becoming aware of:

- the Licensee's failure to renew its membership with AFCA; or
- AFCA terminating the Licensee's membership because of a failure to pay membership fees, non-compliance with the AFCA Rules, or a decision of AFCA.

The Complaints Manager will liaise with AFCA and ensure full cooperation with it.

Professional indemnity (PI) insurance

The Responsible Person will notify the General Manager of any complaint that requires notification to the PI insurer, and the General Manager will notify the PI insurer of any complaint where such notification is required by the PI insurance policy.

What record keeping obligations do we have?

Collection

All complaints, no matter how they are received, must be recorded and maintained in our Complaints Register, along with supporting documentation where relevant. The Complaints Register must be stored in a secure location and each complaint must be maintained in this register for at least 7 years from the date that the complaint is received.

Confidentiality

Personally identifiable information relating to the client, the complainant and the complaint should be available where needed for the purpose of addressing the complaint within the organisation.

Any statistical data based on our Complaints Register, which is communicated outside of the organisation or within the organisation for a purpose other than addressing the complaint, must be cleansed of any personally identifiable information.

Obligation to give information to licensee

Upon request, each representative is obliged to provide us with, information or records in order to assist us to carry out the arrangements set out in this policy.⁵⁶

Legislative Requirements and References

Legislation	Sections 912A and 942B of the <i>Corporations Act 2001</i>
Regulations	Corporations Regulations 2001
Legislative Instruments	ASIC Corporations, Credit and Superannuation (Internal Dispute Resolution) Instrument 2020/98
Regulatory guidance	<p>Regulatory Guide 271: Internal dispute resolution⁵⁷</p> <p>Regulatory Guide 267: Oversight of the Australian Financial Complaints Authority</p> <p>Regulatory Guide 256: Client review and remediation conducted by advice licensees⁵⁸</p> <p>Report 515: Financial advice: Review of how large institutions oversee their advisers⁵⁹</p> <p>Report 603: The consumer journey through the Internal Dispute Resolution process of financial service providers</p>

Endnotes

¹ Sections 912A(1)(g) and 912A(2)(a)(1) of the Act and ASIC's RG 271.1.

² Section 912A(2)(c) and ASIC's RG 271.1.

³ ASIC's RG 271.29.

⁴ Sections 942B(2)(h) and 1013D(g) of the Act, and ASIC's RG 271.113.

⁵ ASIC's RG 271.172 and RG 271.173.

⁶ See Section 761G of the Act for the definition of a retail client and ASIC's RG 271.36.

⁷ See Section E of the AFCA Rules.

⁸ ASIC's RG 271.141.

⁹ ASIC's RG 271.146 and RG 271.148.

¹⁰ ASIC's RG 271.147.

¹¹ In ASIC's RG 271.28, ASIC says it will interpret the words "or about an organisation" in the definition of the term 'complaint' to include expressions of dissatisfaction made on social media.

¹² ASIC's RG 271.27. A Licensee must adopt the definition of 'complaint' found in AS/NZS 10002:2014.

¹³ ASIC's RG 271.28.

¹⁴ ASIC's RG 271.32.

¹⁵ ASIC's RG 271.31.

¹⁶ ASIC's RG 271.134.

¹⁷ ASIC's RG 271.30.

¹⁸ ASIC's RG 271.139.

¹⁹ ASIC's RG 271.139.

²⁰ ASIC's RG 271.158.

²¹ ASIC's RG 271.179.

²² ASIC's RG 271.51.

²³ ASIC's RG 271.51.

²⁴ ASIC's RG 271.52.

²⁵ The 30-day timeframe relates to "standard complaints". Different timeframes apply for traditional trustee complaints (ASIC's RG 271.76-78), Superannuation trustee complaints (ASIC's RG 271.79) and complaints about superannuation death benefit distributions (ASIC's RG 271.80-85)..

²⁶ ASIC's RG 271.53 and RG 271.56.

²⁷ ASIC's RG 271.75.

²⁸ Under the 45-calendar day maximum response timeframe, time stops running in certain circumstances – see ASIC's RG 271.77 – 78

²⁹ Where a complaint relates to insurance in superannuation, time starts to run from the date the complaint is first lodged with either the trustee or insurer – see ASIC's RG 271.79.

³⁰ See ASIC's RG 271.81-85 for more information relating to the maximum timeframes for complaints relating to objections to superannuation death benefit distributions.

³¹ ASIC's RG 271.167.

³² ASIC's RG 271.71

³³ ASIC's RG 271.73.

³⁴ ASIC's RG 271.53.

³⁵ ASIC's RG 271.54.

³⁶ ASIC's RG 271.53.

³⁷ ASIC's RG 271.53.

³⁸ Report 515.207.

³⁹ ASIC's RG 271.161.

⁴⁰ ASIC's RG 271.165.

⁴¹ Report 515.188.

⁴² ASIC's RG 271.118.

⁴³ ASIC's RG 271.182(a).

⁴⁴ ASIC's RG 271.182(b).

⁴⁵ ASIC's RG 271.1825(c).

⁴⁶ ASIC's RG 217.182(d).

⁴⁷ ASIC's RG 271.182(e).

⁴⁸ ASIC's RG 271.182(f).

⁴⁹ ASIC's RG 271.182(g).

⁵⁰ ASIC's RG 271.182(h).

⁵¹ ASIC's RG 271.120.

⁵² ASIC's RG 271.119.

⁵³ ASIC's RG 256.22.

⁵⁴ ASIC's RG 271.142 and RG 271.143.

⁵⁵ Section 912A(2)(b) of the Act and ASIC's RG 271.1.

⁵⁶ This is not underpinned by statute, but is good policy.

⁵⁷ <https://download.asic.gov.au/media/4772056/rg165-published-18-june-2018.pdf>

⁵⁸ http://www.asic.gov.au/media/4009895/rg256-published-15-september-2016.pdf?utm_source=asic&utm_medium=pdfpromotions&utm_campaign=rg256

⁵⁹ <https://download.asic.gov.au/media/4186280/rep515-published-17-march-2017.pdf>