



# **DISPUTE RESOLUTION POLICY AND PROCEDURES FOR COMPLAINT HANDLING**

**RESPONSIBILITY FOR THIS POLICY: THE GENERAL MANAGER**

**ADOPTED: 30<sup>TH</sup> NOVEMBER 2018**

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# Glossary

<i>AFCA</i>	Australian Finnce Complaints Authority
<i>COBCoP</i>	Customer Owned Banking Code of Practice
<i>CIO</i>	Credit and Investments Ombudsman
<i>CR Code</i>	Privacy (Credit Reporting) Code 2014
<i>EDR</i>	External Dispute Resolution
<i>IDR</i>	Internal Dispute Resolution
<i>MIP</i>	Mistaken Internet Payment
<i>NCC</i>	National Credit Code
<i>NCCPA</i>	National Consumer Credit Protection Act
<i>Policy</i>	the Dispute Resolution Policy & Procedure for Complaint Handling
§	the paragraph at that number eg §1
§§	the paragraph starting at that number and the following paragraphs eg §§1-3

## Part A: Policy

### Overview

1. LCU must have an appropriate dispute resolution process to handle complaints for the purposes of:
  - the Customer Owned Banking Code of Practice;
  - *Corporations Act 2001* Chapter 7 (Financial services and markets);
  - the *National Consumer Credit Protection Act 2009* and the *National Credit Code*, in relation to:
    - hardship notices
    - postponement requests;
  - the ePayments Code;
  - the *Privacy Act 1988*, the Australian Privacy Principles and the Privacy (Credit Reporting) Code 2014 (v 1.2);
  - *ASIC Act 2001* Part 2 (Consumer protection in relation to financial services)
2. The dispute resolution process operates in two stages:
  - an internal dispute resolution (IDR) process under which LCU will use best efforts to resolve a Member's complaint to the satisfaction of LCU and the Member;
  - failing resolution, an external dispute resolution (EDR) process under which the Member, dissatisfied with LCU's decision, can refer the complaint to an external body for resolution.

3. This Dispute Resolution Policy and Procedure sets out the requirements for:
  - LCU's IDR scheme; and
  - Management of LCU's EDR process, through AFCA.

## Who can access our IDR and EDR processes?

4. The persons who can access our IDR and EDR processes are:
  - Members;
  - persons the member has given authority to operate;
  - non-members / non-customer loan applicants when LCU declined the application;
  - guarantors of our members' consumer loans; and
  - any person with a privacy complaint.
5. For the purposes of this Policy, reference to a Member includes reference to the persons described above who can access our IDR & EDR processes.

## Scope & purpose of Dispute Resolution Policy and Procedure

6. The Dispute Resolution Policy and Procedure ('Policy') provides a process for the prevention, handling and resolution of complaints between LCU and its Members.
7. The purpose of this Policy is to empower our staff to:
  - effectively respond to Members' complaints in a professional and timely manner;
  - treat each complaint as an opportunity to retain and build a more valuable relationship with our Members.
8. The objectives of this Policy are to establish:
  - an IDR process that complies with Australian Standard AS ISO 10002-2006: *Customer satisfaction – Guidelines for complaints handling in organisations* and ASIC Regulatory Guide 165 *Licensing: internal and external dispute resolution*;
  - a process to record, action and resolve Members' complaints;
  - a process to provide Members, dissatisfied with a decision, a referral to an external process for resolution of their complaint; and
  - a process to review and monitor LCU's performance against its policies, procedures, compliance systems and the Customer Owned Banking Code of Practice (COBCoP).

### **For securitisation activities**

9. This policy also includes LCU's IDR obligations in relation to its role as mortgage manager for a securitisation body under a securitisation agreement.
10. LCU must notify ASIC when it enters into a servicing agreement with a securitisation body, with the body's details and the name of the body's EDR

scheme. LCU must also advise ASIC when it ceases being a party to the securitisation arrangement.

**It should be noted that LCU currently has no securitisation arrangements in place.**

## Policy

### Policy outline

11. LCU will establish and maintain good working relationships with its Members to more effectively prevent complaints. To that end, LCU will:
  - respect Members' rights to lodge a complaint whether written or verbal;
  - value complaints from Members as an opportunity to enhance relationships with LCU;
  - promote organisational improvements by identifying systemic issues or ineffective processes; and
  - encourage all staff to take a proactive approach to Member retention by providing a system available for staff to access and track resolution of complaints.
12. LCU recognises that good working relationships with its Members are based on:
  - effective and efficient complaint and dispute resolution processes;
  - open and effective communication; and
  - good faith and respect for each other's views.

#### For securitisation activities

13. These procedures cover both LCU's and the securitisation body's activities, namely:
  - complaints that relate to the credit activities LCU engages in when it acts on behalf of the securitisation body;
  - complaints about the conduct of the securitisation body such as a request to change the credit contract because of hardship or because the contract is unjust or unsuitable.

### Effective and efficient complaint and dispute resolution process

14. LCU will have an effective and efficient complaint and dispute resolution process that:
  - is provided free of charge;
  - is accessible;
  - is documented;
  - is communicated to Members and staff;
  - has stated time limits for each stage of the process;
  - provides for review and evaluation of Members' complaints.

## Open & effective communication

15. Staff should:
  - effectively communicate adequate and relevant information to the Member;
  - communicate the process to the Member and agree on a timetable for communication;
  - be prepared to listen to the Member's views, concerns and comments;
  - try to understand the effect of the complaint on the Member;
  - be patient and make allowance for any perceived disability the Member may have, such as English not being the Member's native language.
16. LCU will have information readily available to its Members and other interested parties in the form of an Internal Dispute Resolution Guide which provides for the following:
  - where, and to whom, complaints can be made;
  - how complaints are to be made;
  - information to be provided by the complainant (in order to assist in resolving the dispute);
  - the process for handling complaints;
  - time periods for each stage of the complaint handling process;
  - remedies available to the complainant, including EDR;
  - how the complainant can obtain general feedback and progress/status report of the complaint.

## Good faith

17. Staff should:
  - be committed to achieving a mutually beneficial outcome for the Member and LCU;
  - strive to instil a sense of trust in the Member and LCU's processes;
  - be flexible, within the context of achieving a mutually beneficial outcome; and
  - recognise that confidentiality may be an important concern for the Member.

## IDR remedies

18. The types of remedies available to staff are:
  - offering the Member compensation;
  - re-performing the particular service or function;
  - correcting the particular error complained of;
  - any combination of these.

## Board & CEO commitment

19. The Board of LCU and its GM are committed to the implementation of this Policy, as evidenced by:



- ensuring relevant staff are aware of and educated about LCU's IDR procedures;
- ensuring that adequate resources are allocated to IDR; and
- implementing management systems and reporting procedures to ensure timely and effective complaints handling and monitoring.

## Communication

20. All relevant staff must receive a copy of this Policy.

## Responsibility

21. The General Manager is LCU's designated IDR and EDR Manager responsible for managing LCU's Complaint Handling and Dispute Resolution Policy and Procedure.

## Training

22. All relevant staff will receive training on this Policy. New staff, where relevant, will receive training during staff induction.
23. All relevant staff will receive refresher training on this Policy every 2 years from the date of their first training session.

## Part B: Procedure

24. Staff must use their best efforts to resolve complaints to LCU benefit of LCU and the Member.
25. Excluding Privacy complaints, Mistaken internet payment reports, and complaints relating to Hardship Notices or Postponement Requests – if the complaint is solved by the end of the fifth business day from when it was received, staff will not be required to apply the full IDR process.

## What is a 'complaint'?

26. A complaint is an expression of dissatisfaction, made to the Mutual, related to LCU's products or services, or the complaints handling process itself, where a response or resolution is explicitly or implicitly expected.

### **For credit activities**

27. A complaint will include:
  - a member's hardship notice; or
  - a Member's request for postponement of enforcement proceedings.

**For securitisation activities – including where Mutual is acting as mortgage manager for securitisation body**

28. A complaint extends to:
- a Member's complaint relating to the credit activities undertaken by LCU in its role as mortgage manager for the securitisation body;
  - a Member's complaint about the securitisation body's conduct.

**It should be noted that LCU currently has no securitisation arrangements in place.**

## Receiving and processing the complaint

### General principles

29. LCU does not require the Member to put the complaint in writing. In particular, a hardship notice and postponement request can be written or verbal.
30. Staff will approach the complaints-handling process with the following principles in mind:

<b>Openness</b>	The IDR process needs to be clearly stated for both staff and Members.
<b>Impartiality</b>	Staff are to remain impartial and not prejudge the complainant. Emphasis must be placed on solving the complaint and not on assigning blame. Furthermore, a complaint must not be investigated by staff who are involved in the subject matter of the complaint.
<b>Confidentiality</b>	The IDR process must respect the complainant's privacy in accordance with the Australian Privacy Principles.
<b>Accessibility</b>	The complainant may lodge a complaint at any time. The complainant must be given access to information detailing how they can make a complaint. LCU must make this information available in several forms to cater for most complainants, for example, larger print for those who are vision-impaired or giving the complainant access to an interpreter service in order to enable them to make a complaint. LCU must provide this information to the Member free of charge.
<b>Completeness</b>	Fact finding and talking to parties from both sides of the complaint is essential in order to verify explanations and also to properly investigate the matter.
<b>Equitability</b>	Everyone involved in the complaint, and its investigation, is to be treated equally and fairly.

<b>Sensitivity</b>	LCU must treat each complaint separately and on its merits. Individual differences and needs of all those concerned must be considered.
<b>Listening</b>	When receiving a complaint from a Member, staff must take time to listen to the Member. They must: <ul style="list-style-type: none"> <li>• be patient</li> <li>• acknowledge emotions</li> <li>• be interested in, and responsive to, what the Member has to say</li> <li>• be non-judgmental about what the Member has to say</li> <li>• remain focused on what the Member has to say</li> <li>• not pre-judge the Member's complaint</li> <li>• take care to get accurate information from the Member.</li> </ul>

### ***Tips on complaint handling***

Complaining is not an easy thing to do for many people so it makes sense to make the Member feel comfortable about making a complaint. What a Member can tell us about LCU is the most reliable and inexpensive form of market research available.

Most people prefer to do business with a financial institution which can offer a guarantee of accountability in their dealings with Members. Effective complaint handling is the most visible and immediate way to demonstrate such accountability.

When a complaint is received from a Member it is important to take the time to listen, even when the Member is angry or upset. If they know that they are being listened to they will find it a lot easier to focus on the problem and a possible solution because someone has empathised with their situation.

## **Receiving the complaint – identifier codes**

31. Each complaint must be given a unique identifier code for future access.

## **Acknowledging the complaint**

32. Staff must acknowledge the Member's complaint by:
  - giving the Member LCU's IDR Guide: see §§153 – 154
  - pointing out LCU's timeframe for responding to the Member's complaint.

### **For Mutual acting as mortgage manager for a securitisation body**

33. Staff must acknowledge the Member's complaint by informing the Member of their right to complain to the EDR scheme of the securitisation body and provide them with the name and contact details for the securitisation body and its EDR scheme or directly referring the dispute to the EDR scheme of the securitisation body.

## General procedure when resolving the dispute

34. LCU should make every reasonable effort to fully investigate the complaint. The extent of the investigation will depend on the seriousness of the complaint and reference should be made to the factors outlined in the information required to be recorded when the complaint is made.
35. The officer receiving the Member's complaint should attempt to resolve the complaint on the spot with the Member. To help achieve this, officers have authority to offer compensation, where it is appropriate, within these following delegations:

for all staff	up to \$50
for investigating officers	up to \$200
for Senior Managers	discretionary, subject to approval by the General Manager or Assistant General Manager

36. If the complaint cannot be resolved on the spot, the officer will refer the matter to the Dispute Resolution Officer, and provide the name and contact details of the responsible Officer to the Member.

### Tip

When you have developed a clear picture about what the problem is, it is time to move into positive problem solving. This can involve:

- identifying the issues clearly
- asking the Member to suggest how they would like the problem to be sorted out
- investigating the matter so you can provide the Member with information about their problem
- deciding on a course of action and making sure it happens.

### **Follow up**

37. LCU should keep the complainant informed of the progress of the complaint, especially when dealing with postponement requests and hardship notices.
38. It is critical that the complaint is followed up. There is no better way of losing a Member or making the problem seem to be worse than not responding. Even if the decision is one that the Member may not be pleased with, they will feel better if they have been dealt with in a fair, respectful and timely manner.

## Additional 'Final response' requirements

### **For AFCA Members**

39. LCU's EDR Scheme provider is AFCA, LCU must also comply with the AFCA requirements and guidance on a 'final IDR response'.
40. This requires that, in addition to the final response/notice requirements in the relevant section below, the final response/notice must also contain the following:

- state the timeframe which the Member has to take their complaint to AFCA;
- state that LCU's IDR process has concluded and that the final decision about the complaint has been made;
- (where informing the complainant what the final decision/outcome at IDR is) give prominence to the word 'final'.
- 

### Documentation of IDR responses

41. All IDR responses to the Member are to be dated.
42. LCU will have a process to retain a copy of the IDR response to the Member and a record of when the response was sent to the Member.

### Complaint-specific requirements

43. The procedures for dealing with complaints vary depending on the type of the complaint – refer to the relevant sections below:

Complaint involves...	See...
<ul style="list-style-type: none"> <li>• a hardship notice</li> </ul>	<i>Hardship Notices</i> at p13
<ul style="list-style-type: none"> <li>• a postponement request</li> </ul>	<i>Postponement requests</i> at p17
<ul style="list-style-type: none"> <li>• a default notice</li> </ul>	<i>Default notices</i> at p19
<ul style="list-style-type: none"> <li>• an electronic transaction</li> </ul>	<i>ePayments</i> at p21
<ul style="list-style-type: none"> <li>• the handling of personal information</li> </ul>	<i>Privacy</i> at p27

44. If the complaint does not fall within the above categories, refer to *Other ('general' complaints)* at §§ 140.

## Hardship Notices

### Dedicated facilities for receiving hardship notices

45. LCU must have a dedicated telephone number and if possible a fax number, postal address and email address to accept and handle hardship notices.

### Providing a hardship notice

46. From 1 March 2013, a member gives a hardship notice to LCU whenever they mention that they consider that they are, or will be unable to meet their obligations under a credit contract. The member may say something to the effect that they are having difficulty with payments or are unable to pay.
47. Before 1 March 2013, the NCC specified requirements for a hardship application, namely:
  - the member is unable reasonably, due to illness, unemployment or other causes, to meet their obligations under the credit contract, and
  - reasonably expects to be able to discharge their obligations if the contract terms are changed in the manner sought (*below*), and

- seeks to change the terms of the contract in one of 3 ways:
    - extend the period of the contract and reduce the amount of each payment due;
    - postpone during a specified period the dates on which payments are due;
    - extend the period of the contract and postpone during a specified period the dates on which payments are due
 without a change being made to the annual percentage rate(s).
48. However, consistently with the approach to hardship taken by the COBCoP, LCU's policy is to work with the member and consider other possible variations to the loan contract.

### Recording the hardship notice

49. When recording a member's hardship notice, staff must include the following information in the record:
- a description of the member's hardship and any relevant supporting documentation, including the member's circumstances relevant to the hardship notice;
  - the specific product or products that financial assistance is requested for;
  - the remedy sought or requested by the member;
  - date that a response is expected, such as a progress update or that the matter is to be resolved no later than 21 days from the date of receiving the complaint (or where relevant, the appropriate timeframes for responses where LCU requires further information);
  - any immediate action taken on the matter.

#### ***Tips on complaint handling***

After listening to the member, sometimes you may request that the member provide further information or documentation. It is important to make the member think that you are not putting up an obstacle, try to help them understand that the requested information and documents will make it easier for you to help them and come to an arrangement which accurately reflects their circumstances.

Note that the member must be allowed to give an oral hardship notice to LCU– you must not require them to provide a written hardship notice.

50. At this time the hardship notice should be assessed according to the following criteria:
- Severity;
  - the member's credit history;
  - safety implications (for issues such as breach of privacy);
  - complexity;
  - impact;
  - need for immediate action – a hardship notice is to be treated as an urgent matter
51. From this point on, the matter should be closely monitored so LCU can provide an up-to-date status report to the member upon request.

## Timeframes for resolving the hardship notice

52. Best efforts should be used to address the hardship notice and notify the member as soon as possible.
53. The timeframes for handling hardship applications are set out in the following tables:

### Contract entered into on or before 28 February 2013

<b>response</b>	within one business day, preferably immediately
<b>resolution (best practice)</b>	within 14 days
<b>resolution (maximum)</b>	within 21 days after the day of receiving the hardship application

### Contracts entered into on or after 1 March 2013

<b>response</b>	within one business day, preferably immediately
<b>resolution (best practice)</b>	within 14 days
<b>no further information required from member – resolution (maximum)</b>	within 21 days after the day of receipt of the hardship notice
<b>further information required from member – resolution (maximum)</b>	<p>LCU has 21 days after receiving the hardship notice within which to require the member to provide specified information. The member must provide this information within 21 days of the date stated in LCU's notice.</p> <p>The member <b>MUST</b> comply with the notice.</p> <p>If, within the 21 days, the member:</p> <ul style="list-style-type: none"> <li>• does not provide the requested information – LCU has further 7 days</li> <li>• provides the information – LCU has a further 21 days from date of receipt of the requested information</li> </ul>

## Dealing with a hardship notice

### Contract entered on or before 28 February 2013

54. After receiving the hardship application, determine whether you need further information to satisfy yourself that the member meets the hardship application requirements as set out above at §§47 - 48.
55. Within 21 days after the day of receiving the hardship application, LCU must provide the member with a written notice of LCU's decision.

### ***Contract entered into on or after 1 March 2013***

56. After receiving the hardship notice, determine whether there is any need to ask the member for further information or documentation.
57. The information requested must be relevant to deciding:
  - whether the member is or will be unable to meet their obligations under the contract;
  - how to change the contract if the member is or will be unable to meet those obligations
58. If further information or documentation is required – provide the member the time allowed in §53 to provide it.
59. Within the relevant timeframe in §53 for handling hardship notices, assess the available information and make a determination on whether or not to grant hardship, and the terms of any hardship arrangement.
60. LCU need not agree to change the contract – particularly if they:
  - do not believe there is a reasonable cause for the member’s inability to meet their obligations; or
  - reasonably believe that the member would not be able to meet their obligations even if there was a change

### **Legal or enforcement action after a hardship notice**

61. While a hardship notice is being addressed, LCU must cease or postpone any legal proceedings or other enforcement action unless the statute of limitations is about to expire.

### ***(Contract entered into on or after 1 March 2013) Commencing legal action after hardship notice***

62. If before or after LCU gives a default notice, the member provides a hardship notice, and the member:
  - has not provided another hardship notice in the last four months before the date of the current hardship notice; or
  - if they have given hardship notice(s) in the last four months but this current hardship notice relates to materially different reasons from the others provided

LCU must not begin enforcement proceedings unless:

  - LCU has given the hardship rejection notice in §64 in response to the current hardship notice, to the member, stating that LCU and member have not agreed to change the credit contract; and
  - a period of 14 days beginning on the day the §64 hardship rejection notice was given, has expired.
63. Despite the above, LCU may take possession of mortgaged goods if it reasonably believes that:
  - the member or mortgagor has or intends to remove/dispose of the mortgaged property without LCU’s permission; or
  - urgent action is necessary to protect the goods.



## Communicating the decision

### Notice of decision

64. LCU must provide, within the relevant timeframe at §53, a written notice to the member in the form (if any prescribed by the regulations) stating:

***for an agreement to vary contract ...***

- LCU and member have agreed to change the contract
- informing the member of their right to complain to EDR
- the name and contact details of LCU's EDR scheme

***for a rejection of hardship notice...***

- LCU and member have not agreed to change the contract,
- the reasons why they have not agreed,
- inform the member of their right to complain to EDR
- the name and contact details of LCU's EDR scheme and the member's rights under the scheme.

### Notice of changes to contract

65. Where LCU has agreed to vary the contract, LCU must, within 30 days of the date of agreement, provide a written notice to the member and any guarantor under a guarantee related to the contract. The notice must contain:

- particulars of the change in the terms of the contract;
- any information required by regulations;
- Member's right to complain to EDR;
- name and contact details of LCU's EDR scheme

66. Practically, the notice of the particulars of the changes to the member would be incorporated in the notice of the decision to the member at §64.

## Postponement requests

### Recording the complaint

67. A Member's complaint may include a postponement request, which can be made orally or in writing.
68. A postponement request can only occur after LCU has issued a default notice or demand for payment, and the debtor, mortgagor or a guarantor requests that LCU negotiate a postponement of the enforcement proceedings. The Member must make the postponement request before the end of the period specified in the default notice or demand for payment.
69. When recording the Member's request, staff must include the following information in the record:

- details on the requested postponement and any relevant supporting documentation;
  - date that a response is expected, such as a progress update or that the matter is to be resolved no later than 21 days;
  - any immediate action taken on the matter.
70. At this time the postponement request should be assessed according to the following criteria:
- Severity;
  - safety implications (for issues such as breach of privacy);
  - complexity;
  - impact;
  - need for immediate action – note that a postponement request is to be treated as an urgent matter
71. From this point on, the matter should be closely monitored in order to enable LCU to provide an up-to-date status report to the Member upon request.

### Timeframes for handling the request

72. Best efforts should be used to address the postponement request and notify the Member as soon as possible.
73. The timetable for handling postponement requests should be:

<b>response</b>	within one business day, preferably immediately
<b>resolution (best practice)</b>	within 14 days
<b>resolution (maximum)</b>	within 21 days after the day of receiving the postponement request

### Legal or enforcement action after a postponement request

74. While a postponement request is being addressed by LCU, LCU must cease or postpone any legal proceedings or other enforcement action unless the statute of limitations is about to expire.
75. For a contract, mortgage, or guarantee entered into on or after 1 March 2013, if the debtor, mortgagor, or guarantor has given a postponement request, LCU must not begin enforcement proceedings unless:
- it has given to the Member the notice in §77 responding to the postponement request; and
  - a period of 14 days after the above notice was given has expired.
76. Despite §75 above, LCU may take possession of mortgaged goods if it reasonably believes that:
- the member or mortgagor has or intends to remove/dispose of the mortgaged property without LCU's permission; or
  - urgent action is necessary to protect the goods.

## Communicating the decision

### Notice of decision

77. LCU must provide, within 21 days after the day of receiving the postponement request, a written notice to the Member that states:

***for an agreement to negotiate a postponement ...***

- that LCU agrees to negotiate a postponement, and
- informing the Member of their right to complain to EDR
- the name and contact details of LCU's EDR scheme

***for a refusal to negotiate a postponement ...***

- that LCU does not agree to negotiate a postponement,
- reasons for not agreeing to negotiate
- the Member's right to complain to EDR
- the name and contact details of the approved EDR scheme
- the Member's rights under the EDR scheme

### Notice of conditions of postponement

78. Within 30 days of reaching an agreement on the postponement, LCU must provide a written notice to the Member setting out:

- the conditions of postponement – including the condition that the mortgagor must pay LCU's reasonable costs of taking possession if the postponement has been negotiated with LCU after they have taken possession of property subject to a mortgage;
- that if any of the conditions of a postponement are not complied with – LCU is not required to give a further default notice under the NCC to the debtor, mortgagor, or guarantor with whom the postponement was negotiated before proceeding with enforcement proceedings;
- Member's right to complain to EDR;
- name and contact details of LCU's EDR scheme

79. Practically, the notice of the postponement conditions could be incorporated in the notice of decision to the member at §77.

## Default notices

### Recording the dispute

80. When recording a Member's complaint, staff must include the following information in the record:
- a description of the complaint and any relevant supporting documentation;
  - details of the default notice sent (date, reference number, contact, relevant loan facility);
  - the remedy sought or requested by the Member;

- date that a response is expected, such as a progress update or that the matter is to be resolved no later than 21 days;
- information on involved parties to the complaint, namely, people, departments, branches etc;
- any immediate action taken on the matter.

***Tips on complaint handling***

After listening to the Member, sometimes you may require that the Member put their complaint in writing because of the nature of the problem. It is important to make the Member think that you are not putting up an obstacle, try to help them understand that a letter will make it easier for you to help them and accurately respond to their issues of concern.

81. At this time the complaint should be assessed according to the following criteria:
  - Severity;
  - safety implications (for issues such as breach of privacy);
  - complexity;
  - impact;
  - need for immediate action.
82. From this point on, the matter should be closely monitored so LCU can provide an up-to-date status report to the Member upon request.

**Timeframes for handling the dispute**

83. LCU must use best efforts to resolve a Member’s complaint and notify the Member as soon as possible, in accordance with the following timeframe:

<b>response</b>	within one business day, preferably immediately
<b>resolution (best practice)</b>	within 14 days
<b>resolution (maximum)</b>	within 21 days of receipt of default notice dispute

**Legal or enforcement action after complaint about default notice**

84. LCU must cease or postpone any legal proceedings or other enforcement action (unless the statute of limitations is about to expire) until final resolution of the default notice dispute and for, as is recommended, 14 days after the final response at §85 - 87.

**Communicating the decision**

85. LCU must provide the Member with a final response in writing within 21 days of receiving the complaint.
86. LCU does not need to provide a written final response when a complaint is resolved to the Member’s satisfaction by the end of the fifth business day after the complaint was received and the Member has not requested a written response, unless the complaint relates to an exception at §25 such as a hardship notice or postponement request.

87. LCU's final response must include the following:

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***where the complaint is accepted***

- the final outcome of the complaint
- the Member's right to take the complaint to EDR
- the name and contact details of LCU's EDR scheme

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***where the complaint is rejected***

- the final outcome of the complaint, carefully detailing;
    - the decision
    - the reasons for the decision
    - a statement which explains the evidence relied upon for the decision and the availability of such evidence if required by the Member
    - the consequences of the decision
  - the Member's right to complain to LCU's EDR scheme
  - the name and contact details of the EDR scheme.
- 

## ePayments

### Mistaken internet payment report

#### ***Mistaken internet payments***

88. The ePayments Code requires all subscribers to provide (free of charge or no more than the cost of a local call) an effective and convenient process for users to report mistaken internet payments.
89. Mistaken internet payments (MIP) are those made under a 'Pay Anyone' internet banking facility and processed by LCU through direct entry where the funds are paid into the account of an unintended recipient because the Member enters or selects a BSB and/or account number that is incorrect (as a result of the Member's error or the Member being advised of the incorrect BSB/account number).

#### ***Exclusions from MIP***

90. Payments made using BPAY are excluded from the MIP regime.

#### ***Acknowledging receipt of a MIP report***

91. LCU must acknowledge receipt of every report of a MIP, including reports made by phone.
92. The acknowledgment does not have to be in writing, but must enable a Member to verify that they have made a report and when it was made – eg. by providing the Member with a reference number.

### **Timeframes for handling the MIP**

93. For a report about a mistaken internet payment, the timeframe is:

<b>response</b>	within one day of receipt of the report, preferably immediately
<b>return of recovered funds</b>	as soon as practicable
<b>outcome communicated – mistaken internet payments (best practice)</b>	within 21 days of the day the report is made
<b>outcome communicated – mistaken internet payments (maximum)</b>	within 30 business days of the day the report is made

### **Investigation requirements and returning of funds**

#### **LCU as the ‘sending ADI’**

94. If the funds were sent from a Mutual account, LCU must investigate whether a MIP has occurred.

<b>If LCU is...</b>	<b>then...</b>
<b>satisfied that a MIP has occurred</b>	<ul style="list-style-type: none"> <li>• LCU must send the receiving ADI a request for the return of the funds; and</li> <li>• the receiving ADI must within 5 business days:               <ul style="list-style-type: none"> <li>▪ acknowledge the request for the return of the funds;</li> <li>▪ advise LCU whether there are sufficient funds in the account of the unintended recipient to cover the MIP.</li> </ul> </li> <li>• LCU must credit any recovered funds to the member’s account as soon as practicable.</li> <li>• LCU must inform the Member of the outcome as in §99.</li> </ul>
<b>not satisfied that there has been a MIP</b>	<ul style="list-style-type: none"> <li>• LCU is not required to take any further action.</li> <li>• LCU must inform the Member of the outcome as in §99.</li> </ul>

**LCU as the 'receiving ADI'**

95. If LCU (receiving ADI) receives a request from the sending ADI for the return of funds, LCU must, within 5 business days:
- acknowledge the request for the return of the funds;
  - advise the sending ADI whether there are sufficient funds in the account of the unintended recipient to cover the MIP.
96. If the funds received are available, LCU must take action as shown in the table below:

MIP report is made	Action LCU as receiving ADI must take
within 10 business days of payment being made	<p>If LCU is <u>satisfied that a MIP has occurred</u> – return funds to the sending ADI within 5 business days of receiving the request, if practicable, or up to a maximum of 10 business days if reasonably necessary</p> <p>If LCU is <u>not satisfied that a MIP has occurred</u> – seek the consent of the unintended recipient to return the funds to sender.</p>
between 10 business days and 7 months of payment being made	<p>LCU must complete its investigation into the reported MIP within 10 business days of receiving a request.</p> <p>If LCU is <u>satisfied that a MIP has occurred</u> –</p> <ul style="list-style-type: none"> <li>• freeze the funds for 10 further business days and</li> <li>• notify the recipient that the funds will be withdrawn from the account if they fail to establish they are entitled to them within the 10 business days.</li> <li>• if the recipient does not establish they are entitled to the funds within the 10 business days – LCU must return the funds to the sending ADI within 2 business days after the 10 business day period expires</li> </ul> <p>If LCU is <u>not satisfied that a MIP has occurred</u> – seek the consent of the unintended recipient to return the funds to the sender</p>
made after 7 months of payment being made	<p>If LCU is:</p> <ul style="list-style-type: none"> <li>• <u>satisfied that a MIP has occurred</u> – must seek consent of unintended recipient to return the funds</li> <li>• <u>not satisfied that a MIP has occurred</u> – may seek consent of the unintended recipient to return the funds</li> </ul> <p>If the unintended recipient consents to returning the funds, LCU must return the funds to the sending ADI, who must return the funds to the member as soon as practicable.</p>

MIP and Code of Operation for Centrelink Direct Credit Payments

97. If the unintended recipient of the MIP is receiving income support payments from Centrelink, the Mutual, being the receiving ADI, must recover the funds according to the Code of Operation for Centrelink Direct Credit Payments.

Funds are not available

98. Where the sending and receiving ADI are satisfied that a MIP has occurred but there are insufficient funds in the recipient's account, LCU as the receiving ADI must use reasonable endeavours to retrieve the funds from the unintended recipient – for example by instalments.

**Communicating the outcome**

99. Where LCU is the sending ADI, they are required to notify the Member of the outcome of the reported MIP. The notification must be:
- in writing; and
  - within 30 business days of the day on which the report is made.
100. Members should also be made aware of their right to complain to LCU or to LCU's EDR scheme as noted at §§101 – 103.

**Complaints about a MIP report**

**Mutual is sending ADI**

101. Where LCU (the sending ADI) receives a complaint from a Member (who has made a MIP report) about how their MIP report was dealt with – eg. that the sending and/or receiving ADIs:
- were not satisfied that a MIP has occurred; or
  - failed to comply with the processes and timeframes set out in the ePayments Code
- the Mutual:
- must deal with the complaint under its IDR procedures under §§ 105; and
  - must not require the Member to complain to the receiving ADI.
102. If the Member is unhappy with the outcome of the complaint, they must be able to complain to LCU's EDR scheme.
103. If LCU is unable to return the funds to its member because the unintended recipient of a MIP does not cooperate, the Member must be able to complain to LCU's EDR scheme.

**Mutual is receiving ADI**

104. If a complaint is made to the sending ADI's EDR scheme – the Mutual, as the receiving ADI, must also cooperate with the sending ADI's EDR scheme. This includes complying with any decision of that scheme.



## Complaints about ePayment transactions (other than Mistaken internet payments)

### **Recording the complaint – ePayment transactions**

105. If the complaint is about an unauthorised ePayment transaction, make a record of:
- the type of facility;
  - where relevant, an identifier (ie a reference number for the transaction);
  - the type of device (card) and/or pass code used to perform the transaction;
  - name and address of the holder;
  - the name of the other user(s);
  - whether a device (card) used to perform the transaction was signed by the user;
  - whether a device (card) was lost, stolen or misused or the security of the pass code was breached and if so:
    - the date and time of the loss, theft misuse of the device (card), or breach of pass code security;
    - the date and time the loss, theft or misuse of the device (card), or breach of pass code security, was reported to the Mutual;
    - the date, time and method of reporting the loss, theft or misuse of the device (card), or breach of pass code security, to the police
  - where one or more pass codes were required to perform transactions, whether the user recorded the pass code(s), and if so:
    - how the user recorded the pass code(s);
    - where the user kept the record;
    - whether the record was lost or stolen, and if so, the date and time of the loss or theft
  - where one or more pass codes were required to perform transactions, whether the user had disclosed the pass code(s) to anyone;
  - details of where and how the loss, theft or misuse of a device, or breach of pass code security, occurred (for example, housebreaking, stolen wallet);
  - details of the transaction to be investigated, including:
    - a description;
    - the date and time;
    - the amount;
    - the type and location of electronic equipment used
  - details of any surrounding circumstances;
  - any steps taken by the user to ensure the security of any device or pass code(s) needed to perform transactions that the user considers relevant to the liability of the holder;
  - details of the last authorised transaction performed using the facility.
106. At this time the complaint should be assessed according to the following criteria:
- Severity;
  - safety implications (for issues such as breach of privacy);
  - complexity;
  - impact;

- need for immediate action
107. From this point on, the matter should be closely monitored so LCU can provide an up-to-date status report to the Member upon request.

### ***Timeframes for handling the complaint***

108. For ePayment complaints, the timeframe is: <sup>\*\* see note</sup>

<b>response</b>	within one day of receiving the complaint, preferably immediately
<b>cooperation between subscribers (responding to request for further information)</b>	within 15 days of request for information from other subscriber, unless exceptional circumstances apply
<b>resolution (best practice)</b>	within 21 days of receiving a complaint
<b>notice of extension for resolution</b>	if the investigation has not been completed within 21 days of receipt of the complaint, advise the Member in writing of the need for more time to complete the investigation
<b>resolution (maximum)</b>	within 45 days of receipt of the complaint, unless there are exceptional circumstances

\*\* If LCU seeks to resolve a complaint about a credit card, scheme debit card or charge card subject to the rules of the card scheme, the time frames above do not apply. Instead, the rules of the particular card scheme will apply, for example, the Visa Credit Card Scheme Rules.

### ***Requirements where complaint covered by card scheme rules***

109. Where the complaint is being resolved under a particular card scheme's rules, LCU must follow the timeframes under the rules of that particular card scheme instead of those at §108.
110. LCU must:
- inform the Member in writing of:
    - the relevant timeframes (under the card scheme's rules);
    - when the Member can reasonably expect a decision
  - suspend the member's obligation to pay any amount which is the subject of the complaint and any credit and other charges related to that amount, until the complaint has been resolved, and inform the member of this.
111. If LCU is unable to resolve a complaint being investigated under a particular card scheme's rules within 60 days, it must give the Member:
- the reason for the delay;
  - updates on progress with the complaint once every 2 months; and
  - the date when the Member can reasonably expect a decision, unless LCU is waiting for a response from the Member and has advised them that it requires their response

### ***Investigation requirements***

112. LCU must respond to requests for information from other subscribers to the ePayments Code within 15 days unless there are exceptional circumstances.
113. If the matter is being resolved under a separate card scheme's rules, then the 15 day requirement does not apply.

### ***Communicating the decision***

114. LCU must tell the Member of:
  - the outcome of the complaint and;
  - the reasons for the outcome – including references to the relevant clauses of the ePayments Code;
  - inform the Member of their right to take their complaint to EDR;
  - the name and contact details of LCU's EDR scheme
115. LCU must give the Member written notice including the information at §114 of the outcome of the complaint within the appropriate timeframe in §108 or the timeframe of the particular card scheme rules that LCU is resolving the complaint under.
116. LCU is not required to give the Member written notice of the outcome where the complaint is settled to the Member's complete satisfaction within 5 business days, unless the Member requests a written response.

## **Privacy**

### **Dedicated facilities for receiving privacy complaints**

117. LCU should have a dedicated position title, telephone number and email address and if possible a fax number and postal address to accept and handle privacy complaints.

### **Providing a privacy complaint**

118. When a complaint is made, before processing it as a privacy complaint, staff must make the following preliminary assessments:
  - the complaint must concern:
    - LCU's handling of an individual's personal information;
    - the Member's request for a correction of their personal information.
  - Note: Where LCU holds at least one item of credit-related personal information about the individual, LCU must deal with that individual's correction request even if LCU does not hold the particular item of information that the individual is seeking to have corrected.
  - the complainant must be either:
    - the individual (whose personal information has allegedly been mishandled) themselves;
    - a representative of the individual or somebody with authority to act for the individual whose personal information the complaint is about – staff must clarify the complainant's authority to act for the

individual. Continuing without the proper authority may result in LCU accidentally disclosing personal information

- the complaint must be one to which the Privacy Act applies – for example:
    - Australian Privacy Principle issues – including:
      - collection of personal (including sensitive) information;
      - use and/or disclosure of personal information;
      - accuracy of personal information;
      - security of personal information;
      - refusal to give access to personal information;
      - refusal to correct personal information
    - other interferences with the complainant’s privacy under the Privacy Act – including breaches of Part IIIA (Credit Reporting) of the Privacy Act, and of the CR Code (“credit reporting complaints”)
119. Staff must request any further information from the complainant as required, so they can be satisfied in making their preliminary assessment.
120. If the complaint is one which should be made to the Commissioner, LCU should provide the complainant with the relevant contact details.
121. If staff assesses the complaint as not a privacy complaint – best efforts should be made to deal with the complaint under LCU’s other IDR complaint categories: see table at §43.

## Recording the privacy complaint

122. When recording a complaint, staff must include the following information in the record:
- a description of the complaint and any relevant supporting documentation, including details of the specific practice complained about and the relevant product (if any);
  - the provision in the Privacy Act which has allegedly been breached and any other relevant privacy obligations and legislative exceptions;
  - the remedy sought or requested by the complainant;
  - date that a response is expected, such as a progress update or that the matter is to be resolved no later than 30 days from the date of receiving the complaint;
  - information on involved parties to the complaint, namely, people, departments, branches etc;
  - any immediate action taken on the matter.

### ***Tips on complaint handling***

After listening to the complainant, sometimes you may require that the complainant put their complaint in writing because of the nature of the problem. It is important to make the complainant think that you are not putting up an obstacle, try to help them understand that a letter will make it easier for you to help them and accurately respond to their issues of concern.

123. At this time the complaint should be assessed according to the following criteria:
- Severity;
  - safety implications (for issues such as breach of privacy);

- complexity;
  - impact;
  - need for immediate action.
124. From this point on, the matter should be closely monitored so LCU can provide an up-to-date status report to the complainant upon request.

### Acknowledging the complaint

125. Staff must acknowledge the complaint by:
- advising the complainant of LCU's understanding of the conduct complained about, and the privacy obligations at issue (eg. APP 3);
  - advising the complainant that an investigation is being conducted (if appropriate);
  - provide the name, contact details and title of the staff member handling the complaint and note how the staff member is independent of the person responsible for the conduct in the complaint;
  - (if not already recorded) requesting the complainant outline the outcome they are expecting;
  - giving the complainant LCU's Guide: see §§153 – 154;
  - pointing out LCU's timeframe for responding to the complaint, and when the complainant will be contacted next.
126. If the complaint is about a breach of the Privacy Act credit reporting provisions (Pt IIIA) or the Credit Reporting Code ("credit reporting complaint"), LCU must acknowledge the complaint within 7 days by giving the complainant a written notice:
- acknowledging the making of the complaint; and
  - setting out how LCU will deal with the complaint.

Generally, good practice dictates that LCU will have provided this response within one business day.

### Investigating the complaint

127. When processing the complaint, staff should investigate:
- whether the alleged conduct occurred;
  - what the relevant privacy obligations are ;
  - whether it breached any privacy obligations – eg. Privacy Act
128. LCU must investigate all "credit reporting complaints".

### Timeframes for handling the complaint

129. The timetable for handling privacy complaints should be:

<b>response</b>	within one business day, preferably immediately * see note
<b>resolution (best practice)</b>	within 14 days
<b>resolution (maximum)</b>	within 30 days of the day the complaint is made, or longer if the complainant has agreed to it in writing

\* For complaints about credit reporting breaches as noted in §126, the Privacy Act specifies that the maximum response timeframe is 7 days.

## Credit reporting complaint – consultation requirements

130. When dealing with complaints about a breach of Part IIIA (credit reporting) of the Privacy Act or the CR Code, if LCU considers it necessary to consult a credit reporting body or credit provider about the complaint in order to make a determination about the complaint, LCU must consult the body or provider.

## Request to correct personal information

131. If LCU is satisfied that the personal information is inaccurate, out-dated, incomplete, irrelevant or misleading, LCU must take reasonable steps to correct the information within 30 days of the request being made (or longer as agreed to in writing).
132. Reasonable steps are:
  - correcting the credit information;
  - taking reasonable steps to ensure that any future derived information is based on the corrected credit information;
  - taking reasonable steps to ensure that any derived information based on the pre-corrected credit information is not disclosed or used for assessing the individual's creditworthiness.

## Communicating the decision

133. If possible, the complainant should be called first, and then the decision should be confirmed in writing as soon as reasonably practicable, but within 5 business days of LCU's decision.
134. LCU must give written notice of its decision within 30 days of the complaint containing the following:
  - setting out the decision\* <sup>see note</sup> (including the details about the information relied upon in developing the response);
  - (if appropriate) apologise for breaching your privacy obligations;
  - stating that, if the individual is not satisfied with the decision, the individual may:
    - access a recognised EDR scheme of which LCU is a member; or
    - make a complaint to the Commissioner under Part V;
  - setting out the name and contact details of the EDR Scheme and Commissioner

\* If the response is a refusal to correct personal information as per the complainant's request for correction – when setting out the decision, LCU should state that:

  - the correction has not been made; and
  - set out their reasons for not correcting the information (including evidence substantiating the correctness of the information)
135. The OAIC recommends that this written response invite the individual to reply to your response, and where appropriate, offer a discussion or meeting.
136. If the decision is to correct information:
  - the written notice to the complainant must also:

- include the relevant information held by LCU
  - so that the individual can check it has been appropriately corrected;
- inform the individual that they have a right under the CR Code to obtain their credit reporting information from a Credit Reporting Body free of charge if the access request relates to a decision by a Credit Reporting Body or a Credit Provider to correct information about the individual;
- explain how the individual’s right to obtain their credit reporting information may be exercised;
- list the Credit Reporting Bodies, Credit Providers and information recipients that LCU will be notifying of the correction – this list will consist of the following:
  - Credit Reporting Bodies from whom LCU; received the pre-corrected information;
  - Credit Reporting Bodies to whom LCU disclosed the pre-corrected information;
  - Credit Providers from whom LCU received the pre-corrected information;
  - Credit Providers and information recipients to whom LCU has disclosed the pre-corrected information within the previous 3 months
- ask the individual if there are any other Credit Providers or information recipients (eg. mortgage insurers) that the individual would like to be notified of the correction;
- as soon as reasonably practicable but within 7 business days of the correction, a written notice of the correction\* <sup>see note</sup> must also be given to the Credit Reporting Bodies, Credit Providers and other information recipients it identified in its notice to the complainant, any parties consulted at §130 and any other parties the complainant nominates.

\* Where LCU disclosed information derived from the pre-corrected information to a Credit Provider or information recipient, the written notice of correction must include updated derived information based on the corrected information.

## Notification requirements when dealing with complaints about failure to correct information

137. When a Mutual receives a complaint about

- either:
  - LCU’s failure to correct inaccurate, out-dated, incomplete, irrelevant, or misleading information about an individual; or
  - where LCU has disclosed the incorrect information to a 3<sup>rd</sup> party, LCU’s failure to provide a notice of correction to the recipients;
- and
- the complaint relates to:
  - credit reporting information that a credit reporting body holds; or
  - credit information or credit eligibility information that another credit provider holds

LCU must notify, in writing:

- Credit Reporting Bodies and Credit Providers from whom LCU received the information;

- Credit Reporting Bodies and Credit Providers to whom LCU disclosed the information within the previous 3 months;
- any other Credit Provider the complainant nominates

of the following:

- the making of the complaint;
- the decision about the complaint

as soon as practicable after they are made.

138. If LCU discloses personal information to which the complaint relates before a decision on it is made – then, at the time of disclosure, LCU must, in writing, notify the recipient of the information of the complaint.
139. The notification requirements at §§137 - 138 do not apply to LCU if giving such notifications are impracticable, or there is a court order or law requiring LCU not to give the notice.

## Other ('general' complaints)

### Recording the complaint

140. When recording a Member's complaint, staff must include the following information in the record:
- a description of the complaint and any relevant supporting documentation;
  - the remedy sought or requested by the Member;
  - the specific product or practice complained about, for example, a particular aspect of an account or customer service;
  - date that a response is expected, such as a progress update or that the matter is to be resolved no later than 45 days from the date of receiving the complaint;
  - information on involved parties to the complaint, namely, people, departments, branches etc;
  - any immediate action taken on the matter.

#### ***Tips on complaint handling***

After listening to the Member, sometimes you may require that the Member put their complaint in writing because of the nature of the problem. It is important to make the Member think that you are not putting up an obstacle, try to help them understand that a letter will make it easier for you to help them and accurately respond to their issues of concern.

141. At this time the complaint should be assessed according to the following criteria:
- Severity;
  - safety implications (for issues such as breach of privacy);
  - complexity;
  - impact;
  - need for immediate action.
142. From this point on, the matter should be closely monitored in order to enable LCU to provide an up-to-date status report to the Member upon request.



## Timeframes for handling the complaint

143. Best efforts should be used to resolve a Member's complaint and notify the Member as soon as possible.
144. The timeframe for handling complaints should be:

<b>response</b>	within one business day of receiving the complaint, preferably immediately
<b>resolution (best practice)</b>	within 14 days of receipt of the complaint
<b>resolution (maximum)</b>	within 45 days of receipt of the complaint ** see note

\*\* Note that the 45-day time frame begins from the date that the complaint is received and does not re-commence if LCU obtains further information during the investigation of the complaint.

## Communicating the decision

145. LCU must provide the Member with a final response in writing within 45 days of receiving the complaint.
146. LCU does not need to provide a written final response when a complaint is resolved to the Member's satisfaction by the end of the fifth business day after the complaint was received and the Member has not requested a written response, unless the complaint relates to an exclusion as at §25.
147. LCU's final response must include the following:

<b>where the complaint is accepted</b>	<ul style="list-style-type: none"> <li>• the final outcome of the complaint</li> <li>• the Member's right to take their complaint to EDR</li> <li>• the name and contact details of LCU's EDR scheme</li> </ul>
<b>where the complaint is rejected</b>	<ul style="list-style-type: none"> <li>• the final outcome of the complaint, carefully detailing: <ul style="list-style-type: none"> <li>▪ the decision</li> <li>▪ the reasons for the decision</li> <li>▪ a statement which explains the evidence relied upon for the decision and the availability of such evidence if required by the Member</li> <li>▪ the consequences of the decision</li> </ul> </li> <li>• the Member's right to take their complaint to EDR</li> <li>• the name and contact details of the EDR scheme.</li> </ul>

## Unresolved complaints or complaints not resolved within appropriate timeframes

148. The Member must be told that they can pursue their complaint through EDR if the complaint remains unresolved after IDR, or if it is not resolved within the appropriate timeframe listed above for the particular complaint.
149. If the complaint is not resolved within the appropriate timeframe listed above, the Member must, before the end of that timeframe:
  - be informed of the status of the complaint or dispute;
  - be informed of the reasons for the delay;
  - be informed of the expected timeframe for resolution of the matter;
  - be advised of their right to complain to EDR;
  - be provided with the name and contact details of the relevant EDR scheme
150. The Member must also be given a brochure with the name and contact details of LCU's EDR scheme, and explaining the EDR scheme and how to access it.

## Referral to EDR

151. If the Member informs staff that they want to refer LCU's decision to LCU's EDR scheme, staff must:
  - give the Member LCU's Guide to its EDR Scheme;
  - refer the complaint to LCU's EDR Manager for further action, in accordance with the procedures.

### **For securitisation activities**

152. If LCU is unable to resolve a dispute between the Member and the securitisation body, LCU must either:
  - inform the Member of their right to complain to the securitisation body's EDR scheme and provide them with the scheme's contact details; or
  - directly refer the dispute to the securitisation body's EDR scheme.

## Guide to LCU's IDR and EDR process

153. LCU's Guide to LCU's internal and external dispute resolution systems must be made available to Members at LCU's branches and agencies and available on LCU's internet site.
154. Staff must give Members a copy of the Guide:
  - on request;
  - when receiving a complaint;
  - when communicating LCU's decision on a complaint to the Member.

## Membership of EDR process

155. As a condition of LCU's Australian Financial Services and Credit Licence, LCU must be a member, and remain a member, of an EDR scheme.
156. LCU complies with this condition by being a member of the Australian Financial Complaints Authority.
157. The Dispute Resolution Manager is LCU's designated EDR Manager responsible for managing LCU's relationship with the Financial Ombudsman Service.

## Complaints monitoring and reporting

158. The Dispute Resolution Officer will maintain a central register of complaints.
159. LCU will review complaints so as to continually monitor its performance against policy and compliance systems. LCU's Compliance Officer will:
  - review all complaints to assess whether there are any systematic or recurring patterns;
  - identify the underlying causes of these complaints, particularly if those causes relate to:
    - non-compliance with consumer protection laws or LCU's Conditions of Use for the relevant product or service;
    - any failures in LCU's systems and procedures
  - liaise with managers responsible for the relevant systems and procedures to identify any remedial action;
  - report such failures and recommended remedial action to the Audit Committee, quarterly.

## Review of Policy

160. The Dispute Resolution Officer will review this Policy every 2 years, with input from all managers.

## Audit of the dispute resolution process

161. The Internal Auditor will carry out an annual audit of compliance with this Policy. In addition, the Internal Auditor will monitor whether the IDR timeframes are being observed, particularly finalisation of complaints within 45 days (or within a shorter timeframe as required for hardship, postponement, default notice complaints, certain ePayments complaints or privacy complaints).

<b>Policy adopted</b>	Adopted by the Board 17.6.09
<b>Review History</b>	
17 Mar 2010	Addition of requirements of ASIC RG 165
Aug 2010	Addition of requirements of the National Credit Code
Nov 2010	Additional requirements of NCC added
Jun 2011	Reviewed by the BAC and Board
May 2012	Annual review by AGM
May 2013	Annual review by BAC, addition of new timeframes for hardship applications
May 2014	Reviewed by BAC
Jun 2015	Annual review by Board, updated to include changes recommended under our legal retainer
Aug 2015	Adopted by the Board
May 2016	Reviewed by GM and Board
July 2017	Annual review by RCO, GM and Board
Nov 2017	Full review – updated policy from DB Legal template
Nov 2018	Updated to amend FOS to AFCA