



Complaints Resolution Policy and Procedure

Local Government Super

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1. Policy Statement

LGSS Pty Limited is the Trustee of Local Government Super and has introduced this Policy to ensure that it has in place adequate arrangements to meet its obligations under the relevant law and its equitable obligations to facilitate a mechanism through which Complaints can be resolved in a fair and equitable manner.

This Policy has been approved by the appropriate Board Committee and applies to LGS management, employees, service providers and contractors.

2. Definitions

AFCA	means the Australian Financial Complaints Authority.
AFCA Rules	means the AFCA Complaint Resolution Scheme Rules.
AFCA Guidelines	means the AFCA Operational Guidelines to the Rules.
AFS Licensee	means an Australian Financial Services Licensee.
APRA	means the Australian Prudential Regulation Authority.
Board	means the Board of Directors of the Trustee.
Complainant	means the person making a complaint.
Complaint	means any expression of dissatisfaction made to an organisation, related to its related products or the complaints handling process itself, where a response or resolution is explicitly or implicitly expected.
Complaint Register	means the electronic register of complaints maintained by LGS within the ETS system.
Complaints Resolution Manager	means the individual appointed as the Complaints Resolution Manager of LGS.
Contact Centre	means the centre established by the Trustee which is able to handle and respond to member inquiries and informal complaints relating to the day to day issues arising from the operations of LGS.
Corporations Act	means the <i>Corporations Act 2001</i> (Cth).
Corporations Law	means the Corporation Act and the <i>Corporations Regulation 2001</i> (Cth).
EDR	means External Dispute Resolution.
ETS	means the internal system used by LGS to record and monitor Complaints.
GRN	means the LGS Governance, Remuneration and Nomination Committee, being a committee established by the Board.
IDR	means Internal Dispute Resolution, the process used by LGS under this

Policy to deal with formal Complaints in accordance with the relevant Superannuation Law, Corporations Law and industry regulation.

IDR timeframe	means the timeframe within which LGS is required to deal with a formal Complaint for the first time (90 days for a Superannuation Complaint, 45 days for a Financial Services Complaint).
LGS	means Local Government Super.
Policy	means this Complaints Resolution Policy and Procedure as amended from time to time.
Refer-back period	means, for a complaint submitted to AFCA, the period of time that AFCA has allowed as an opportunity for LGS to resolve or respond to the Complaint before AFCA proceeds to consider the Complaint
Risk Register	means the LGS Risk Register.
RSE Licence	means a Registrable Superannuation Entity Licence.
SIS Act	means the <i>Superannuation Industry (Supervision) Act 1993</i> (Cth).
SIS Regulations	means the <i>Superannuation Industry (Supervision) Regulations 1994</i> (Cth)
SRC Act	means the <i>Superannuation (Resolution of Complaints) Act 1993</i> (Cth)
Superannuation Law	means the SIS Act, SIS Regulations and APRA prudential standards.
Trustee	means LGSS Pty Limited (ABN 68 078 003 497) (AFSL 383558) as Trustee of LGS.

3. Introduction

- (a) This Policy has been developed and implemented to ensure that the Trustee is able to comply with its requirements under the:
- (i) LGS Trust Deed;
 - (ii) Superannuation Law;
 - (iii) Corporations Law;
 - (iv) AFS Licence; and
 - (v) RSE Licence.
- (b) It is noted that the Trustee's obligations relating to inquiries made by members or other interested parties under the *Family Law Act 1975* (Cth) and the *Privacy Act 1988* (Cth) are not dealt with within this Policy.

4. Roles and Responsibilities

- (a) **Board:** The Board is ultimately responsible for the Policy;
- (b) **Governance, Remuneration and Nomination Committee:** The GRN has been delegated with the responsibility for the oversight of this Policy by the Board.
- (c) **Management:** LGS management have a duty under the Policy to ensure ongoing adherence to the Policy and, further, to ensure that all relevant business units are fully aware of and comply with the Policy;

- (d) **Complaints Resolution Manager:** The Complaints Resolution Manager is responsible for the monitoring, investigation and handling of formal complaints;
- (e) **Member Services Manager:** The Member Services Manager is responsible for overseeing, monitoring and reporting on the handling of informal verbal complaints within the Contact Centre; and
- (f) **Employees and contractors:** LGS employees and contractors are required to comply with the terms of this Policy at all times.

5. What is a Complaint

- (a) For the purposes of this Policy, LGS has adopted the *Australian Standard AS ISO 10002-2006: Customer Satisfaction – Guidelines for complaints handling in organisations* definition of a Complaint, which is:

any expression of dissatisfaction made to LGS, its related products or the complaints handling process itself, where a response or resolution is explicitly or implicitly expected.

- (b) Complaints are communications made to LGS in any of the following ways, namely through:
 - (i) correspondence addressed to the attention of the Complaints Resolution Manager;
 - (ii) correspondence containing an expression of dissatisfaction and from which it is clear the complainant expects a response;
 - (iii) Complaints submitted to AFCA, which AFCA may then refer back to LGS for consideration or reconsideration or other action by LGS;
 - (iv) a verbal expression of dissatisfaction that is either escalated or made to the Complaints Resolution Manager or that cannot be resolved to the satisfaction of the complainant; and
 - (v) an objection to a decision of the Trustee in relation to an insurance claim or the payment of a death benefit.

6. Who can make a Complaint?

- (a) The Trustee has an obligation under the Law to keep information it holds about its members safe, secure and confidential and so, generally, only members are able to enquire about information held about them. The Trustee has documented the relevant policy and procedures regarding this in its Privacy Policy.
- (b) In accordance with the Corporations Law, the AFCA Rules and the AFCA Guidelines, the following persons are eligible to make a Complaint to LGS under this Policy, namely:
 - (i) a current or former member of LGS;
 - (ii) a person with an interest in a policy or insurance contract with LGS;
 - (iii) a person acting for the estate of any of the above people;
 - (iv) if the complaint is about payment of a death benefit, a person with an interest in the death benefit; and
 - (v) a person who has received financial advice from LGS.

- (c) In some circumstances involving Family Law proceedings, a person will be treated as a member of LGS and will be eligible to make a Complaint about certain decisions and related conduct of LGS. A person will be taken to be member for these purposes if the person:
- (i) is the spouse of a member;
 - (ii) is the former spouse of a member, and is party to an agreement or subject to an order under the *Family Law Act 1975* relating to the member's superannuation interest;
 - (iii) is the legal personal representative of a deceased member or the deceased spouse of a member; or
 - (iv) intends to enter into a superannuation agreement with a member.

7. How a Complaint may be made

- (a) Complaints may be made directly to LGS by letter, email, in person or via phone.
- (b) Complaints (other than death benefit payment Complaints) may also be submitted to AFCA irrespective of whether the Complaint has already been submitted to LGS.
 - (i) Where a Complaint is submitted to AFCA, AFCA will generally notify LGS of the Complaint and allow LGS a Refer-back Period within which LGS will attempt to either resolve or respond to the Complaint. The length of the Refer-back Period will depend on the nature of the Complaint and the extent to which LGS has already considered the Complaint.
 - (ii) Specific processes apply for death benefit payment Complaints. The role of LGS within the AFCA process is discussed below in the specific complaints handling procedures, and further information can be found within the AFCA Rules and Guidelines.
- (c) Complaints will be acknowledged in writing within 5 business days of the date of receipt of the Complaint by LGS. In some instances LGS may request that the Complainant provide further information in writing to ensure that the Complaint can be properly investigated and considered.

8. Key elements of the Complaints handling process

The Trustee's Complaints handling process has the following key elements:

- (a) **Contact Centre:** The Trustee has established a contact centre for members, which is able to handle and respond to member inquiries and informal complaints relating to the day to day issues arising from the operations of the Fund. The Contact Centre has a manual which details the procedures to be followed by the Contact Centre when handling inquiries and verbal Complaints. The Member Services Manager is responsible for:
 - (i) ensuring that Contact Centre staff follow the relevant procedures; and
 - (ii) monitoring, recording and reporting on all Complaints that are handled within the Contact Centre.
- (b) **Complaints Resolution Manager:** The Board has appointed an employee of LGS to be the Complaints Resolution Manager who is responsible for the monitoring, investigation and handling

of Complaints and the successful operation of this Policy. The duties of the Complaints Resolution Manager include ensuring that:

- (i) LGS maintains an appropriate process to assist members that wish to make a Complaint;
- (ii) Complaints are handled in a timely and efficient manner in accordance with this Policy;
- (iii) LGS complies with its obligations as the holder of an AFS Licence and RSE Licence;
- (iv) all employees who have a role in the management, investigation or resolution of Complaints receive appropriate and ongoing training regarding LGS' obligations;
- (v) the Trustee is informed of, and involved in, complex matters;
- (vi) senior management and/or the Trustees' service providers are involved where required;
- (vii) where Complaints identify service delivery issues, these issues are reported to the relevant internal or external stakeholders so that any necessary steps can be undertaken to prevent, as far as is practicable, these issues from reoccurring; and
- (viii) where issues identified through Complaints indicate ongoing service delivery issues or other material issues, may be referred to internal stakeholders for incorporation into the LGS Risk Register.

The Complaints Resolution Manager has the authority to determine and settle Complaints, except where the Complaint relates to the exercise by the Trustee of a discretion or the assessment of benefit eligibility.

- (c) **Complaints Register:** The Complaints Resolution Manager maintains an electronic register of Complaints. This Complaints Register is maintained through LGS' compliance self-assessment system, ETS, and is used to record and monitor all formal Complaints including their source, issues raised, responses provided and key dates from notification through to resolution. The Complaints Register is provided to the Member Services Committee on a quarterly basis for their review;
- (d) **Disclosure:** This Policy is published on the LGS website.
- (e) **Cost:** There will be no cost levied on a person who wishes to make a Complaint to LGS pursuant to this Policy, irrespective of whether that Complaint is made first to LGS or to AFCA.

9. Complaints handling procedures

- (a) The Trustee has established comprehensive procedures to handle inquiries and Complaints in accordance with its regulatory obligations under the Superannuation Law, Corporations Law, AFCA Rules and AFCA Guidelines, and internal compliance best practice. It is the aim of these procedures to document the process requirements to ensure that Complaints are resolved in a fair, prompt and professional manner and in compliance with regulatory requirements. It is also an objective of the Trustee to reduce the need for Complaints to be resolved by external dispute resolution providers or the Courts.

- (b) LGS will deal with a Complaint using a procedure that is appropriate for that type of Complaint and the circumstances in which it was raised. Broadly, there are three different procedures established for this purpose:
- (i) Contact Centre Complaints Handling Procedure, for staff in the Contact Centre to handle a Complaint raised through the Contact Centre;
 - (ii) Formal Complaint Investigation Procedure, where a formal Complaint is brought to the attention of the Complaints Resolution Manager for resolution, with some variations depending on:
 1. whether the Complaint was made directly by the Complainant or referred by AFCA; and
 2. whether or not LGS has previously dealt with the Complaint; and
 3. whether or not the Complaint is an objection to the Trustee’s decision regarding the payment of a death benefit; and
 - (iii) Death Benefit Payment Complaint Notification Procedure, to ensure that the Trustee complies with its specific obligations in the event that a Complaint has been made to AFCA regarding its final decision in relation to the payment of a death benefit.
- (c) Each of these procedures are outlined in detail below.
- (d) **Contact Centre Complaints Handling Procedure:** Generally, informal Complaints are made to the Contact Centre and are dealt with in line with the procedure contained within the Contact Centre Manual. A summary of the procedure is set out in the table below:

Contact Centre Complaints Handling Procedure	
1.	<p>Call and initial assessment:</p> <p>Telephone complaint received from member. Usually the caller will state that they are calling to complain about something e.g. service, or that they would like to complain about something or someone. The Member Services Officer will assess the matter and whether the matter can be resolved in the call.</p>
2.	<p>Where matter cannot be resolved in the call:</p> <p>The Member Services Officer will:</p> <ol style="list-style-type: none"> a) categorise the matter as ‘Dissatisfaction’ (no response required) or a ‘Complaint’ (response expected); and b) for a Complaint that cannot be resolved to the caller’s satisfaction during the course of the call and the member confirms that they wish to make a Complaint, the Member Services Officer will escalate the matter to Complaints Resolution Manager via wave file attached to email with explanation including all member details.

	If the <u>caller does not want to log the Complaint over the phone</u> , then the Member Services Officer will inform them that they may raise a Complaint with the Complaints Resolution Manager, and provide them with the contact details to do so. The Member Services Officer will proceed to record the call as a Dissatisfaction.
3.	<p>Recording the call</p> <p>Where the caller has not logged a formal Complaint over the phone, the Member Services Officer will record the call as a Dissatisfaction but not as a Complaint.</p> <p>Where the caller has logged a formal Complaint during the call, the Member Services Officer will record the call as a Complaint.</p>
4.	<p>Advise the caller of the complaint procedure</p> <p>Where the caller wishes to raise a Complaint during a call, the caller will be advised:</p> <ul style="list-style-type: none"> (a) that their Complaint will be forwarded to the Complaints Resolution Manager or if they prefer, they will be provided with the details of how to make a Complaint in writing; (b) the relevant timeframes for that type of Complaint (usually 90 days for Superannuation Complaints and 45 days for other types of Complaints); and (c) if the Complainant is not satisfied with the way that their Complaint is being handled, or with the outcome, or if LGS does not respond to the Complaint within the specified timeframes, then they may refer their Complaint to AFCA.

- (e) **Formal complaints (other than AFCA death benefit payment Complaints):** The following processes should be followed where a formal Complaint is made directly to LGS, or where AFCA refers a Complaint to LGS that does not relate to the payment of a death benefit. Some deviations on this process may be necessary depending on the nature of the Complaint, any external factors such as legal action and other matters as determined by the Complaints Resolution Manager.

	Formal Complaints Resolution Procedure
0.	<p>When to use:</p> <p>When LGS receives a formal Complaint:</p> <ul style="list-style-type: none"> 1. directly from the Complainant; or 2. referred back from AFCA (other than a Complaint about the payment of a death benefit). <p>Timeframes:</p> <p>For a Superannuation Complaint, the legislation requires that the Trustee properly consider and deal with the Complaint <u>within 90 days</u> after it was originally made (noting that “dealt with”</p>

	<p>does not necessarily mean “resolved”).</p> <p>For a Financial Services Complaint, the Corporations Act requires the Trustee to investigate and respond to the Complainant <u>within 45 days</u> of receipt of the original Complaint.</p> <p>These are called the “IDR timeframes” in this Policy.</p> <p>For a Complaint referred back by AFCA, AFCA will specify the timeframe (called the ‘refer-back period’) for LGS to deal with it before AFCA will proceed to consider it as follows:</p> <ol style="list-style-type: none"> 1. The refer-back period for a Complaint that has not been previously dealt with under the IDR process will generally reflect the usual IDR timeframe for that type of Complaint (that is, <u>45 or 90 days</u>). This would be where: <ol style="list-style-type: none"> a. the Complaint has not previously been raised with LGS b. the Complaint raises new issues not previously considered by LGS; or c. the Complaint has been raised with LGS, but the IDR timeframe has not expired and LGS is still considering the Complaint. 2. The refer-back period for a Complaint that has been previously dealt with will be <u>21 days from the time it is referred back to LGS</u>. This would be where a Complaint was previously raised with LGS and: <ol style="list-style-type: none"> a. the Complainant was dissatisfied with LGS’ response; or b. LGS has not responded within the IDR timeframe.
<p>1.</p>	<p>Record the Complaint (within 5 business days of receiving the Complaint or referral)</p> <p>The Complaints Resolution Manager will:</p> <ol style="list-style-type: none"> 1. for a Complaint that has not previously been raised with LGS, or that raises issues not previously raised with LGS, or that relates to a Complaint that has already been dealt with and closed on the Complaints Register – record a new Complaint on the Complaints Register; or 2. for a referred Complaint that relates to a Complaint currently open on the Complaints Register – update the record with any new information from the AFCA referral.
<p>2.</p>	<p>Acknowledge and identify (within 5 business days of receiving the Complaint or referral)</p> <p>The Complaints Resolution Manager is to acknowledge receipt of the Complaint in writing. The acknowledgement must inform the Complainant of the relevant process and timeframes.</p> <p>Where the Complaint is able to be finalised within this timeframe, the Complaints Resolution Manager may acknowledge and respond to the Complainant within the same correspondence and within this timeframe.</p>

3.	<p>Initial investigation</p> <p>The Complaints Resolution Manager is to review the Complaint and determine the appropriate timeframes and information required in order to finalise the investigation. Where further information is required from the Complainant or any internal and external stakeholders, this information should be requested (bearing in mind the timeframes that apply to the Complaint).</p> <p>For a Complaint that AFCA has referred to LGS for a 21-day review, the Complaints Resolution Manager will identify an appropriate staff member to review the Complaint with fresh eyes.</p>
4.	<p>Threatened or potential legal action</p> <p>If the Complaints Resolution Manager considers that the subject of the Complaint has the potential to result in legal action against the Trustee, they must advise the Deputy Chief Executive Officer who will ensure that the Fund’s indemnity insurer is notified of the potential claim.</p>
5.	<p>Investigation (to be finalised within the specified timeframe)</p> <p>The Complaints Resolution Manager will ensure that a comprehensive investigation is undertaken and completed within the relevant timeframe.</p> <p>It is important to note the following specific issues regarding particular types of Complaints:</p> <ol style="list-style-type: none"> 1. For a Complaint referred by AFCA for a review of a previously completed Complaint – the review is to be carried out with ‘fresh eyes’ by a different person to the person who investigated by the original Complaint. LGS will have 21 days to either resolve the Complaint with the Complainant or complete its review. 2. For a Complaint about a Trustee’s decision regarding a death benefit or insurance claim – The Trustee will direct how to deal with the Complaint. It will be investigated as a Superannuation Complaint by the Complaints Resolution Manager, before being put to the next available meeting of the Trustees for consideration.
6.	<p>Delay in outcome</p> <p>If the Complaint cannot be resolved within the specified timeframe, the Complaints Resolution Manager will contact the Complainant to discuss revised timeframes and any additional information that is required.</p> <p>For a Complaint made directly to LGS, the Complainant will be informed that, if they do not agree with the revised timeframe or are dissatisfied with the way the Complaint is being handled, they may refer the Complaint to AFCA.</p> <p>For a Complaint referred by AFCA, any extension of time will be subject to approval by AFCA. If the Complainant agrees to a revised timeframe, or if the Complaints Resolution Manager considers that an extension is warranted, they will contact AFCA to request an extension.</p> <p>The extension request must be made in writing before the expiry of the AFCA timeframe,</p>

	<p>detailing the additional time sought and the special circumstances that warrant it (having regard to the AFCA Guidelines) and providing documents to support the request.</p>
7.	<p>Notification of outcome (within 30 days of decision)</p> <p><u>Where a Complaint is resolved during the investigation process</u></p> <p>The Complaints Resolution Manager will confirm the terms of the resolution in writing with the Complainant.</p> <p>If the Complaint was referred from AFCA, the Complaints Resolution Manager must notify AFCA that it was resolved.</p> <p><u>Where Complaint is not resolved during the investigation process</u></p> <p>Where a Complaint is not resolved within the timeframe (as extended), the Complaints Resolution Manager or the Trustee must decide on the outcome of the Complaint, or that an outcome cannot be determined within the remaining timeframe. The Complainant must be notified within 30 days of the decision, or before the expiry of the timeframe, whichever is the earlier. The form of the notification will vary with the different types of Complaint:</p> <ol style="list-style-type: none"> 1. For a 45 or 90 day Complaint process where LGS is responding to the Complaint for the first time, the letter of response – called an ‘IDR response’ – will inform the Complainant of LGS’ decision and, where it is practicable at this time, the reasons behind it. <ol style="list-style-type: none"> a. Where the Complaint was made to LGS directly, the IDR response must inform the Complainant of their appeal rights to AFCA and provide the contact details for AFCA. b. Where the Complaint referred by AFCA, the IDR response must be provided to both the Complainant and to AFCA. The IDR response should include relevant supporting information, and inform the Complainant of the next steps in the AFCA complaint resolution process. 2. For a 21 day Complaint process, where LGS is reviewing a decision it had previously made (or failed to make) regarding the Complaint, a response – called an ‘EDR response’ – will be prepared in accordance with the relevant AFCA EDR guides and templates, and provided to both the Complainant and to AFCA along with relevant supporting information.
8.	<p>Closing a Complaint</p> <p>Within 5 days of providing a final letter of response to the Complainant (and, where applicable, AFCA), the Complaints Resolution Manager will ensure that the Complaints Register has been updated with all material correspondence, facts and a copy of the final letter of response. Once finalised and the Complaints Register has been updated, the Complaint may be closed.</p>
9.	<p>Request for basis of decision</p> <p>The Trustee aims to adhere to best practice and provide the basis of its decision in the final</p>

	letter of response that it provides to the Complainant. However, where it has not done so and the Trustee receives a request from a Complainant to provide written reasons of the decision of the Trustee in relation to a Complaint (other than a Complaint regarding the payment of a death benefit), the Trustee must respond within 28 days of the request.
10	<p>Next steps</p> <p><u>Where a Complainant has complained to LGS directly</u>, and is dissatisfied with the response, the Complainant may submit the Complaint for resolution by AFCA. Before proceeding with its complaint resolution process, AFCA may refer the Complaint back to LGS for a ‘fresh eyes’ review.</p> <p><u>Where a Complaint has been referred by AFCA</u>, and is not resolved during the refer-back period, AFCA will proceed to consider the Complaint under their own process. The Complaints Resolution Manager will register it as a new Complaint within the Complaint Register and ensure that participates in the AFCA complaint resolution process promptly, in good faith and, as far as practicable, adhering to best practice as recommended by AFCA. The AFCA complaint resolution process will be deemed closed, and closed within the Complaints Register, once AFCA provides LGS with notice of their final determination.</p>

- (f) **Death benefit payment Complaint notified by AFCA:** Where AFCA has notified LGS that a Complaint has been made to AFCA in relation to the payment of a death benefit, it is important to note that:
- (i) Unlike other types of Complaint, AFCA will generally not accept a Complaint about the payment of a death benefit until the Trustee has made its final decision in relation to the payment. Any such Complaint that AFCA notifies will already have been dealt with as an objection under the formal complaint investigation process above.
 - (ii) AFCA generally will not provide a refer-back period for a death benefit payment Complaint. AFCA will proceed to consider the Complaint immediately upon accepting it.
- (g) It is not the Trustee’s role in this situation to investigate or review this type of Complaint. However, the following process is provided to ensure that the Trustee complies with its obligations under the Corporations Act and the AFCA Rules in relation to this type of Complaint.

	Death Benefit Payment Complaint Notification Procedure
0.	<p>When to use</p> <p>When notified that a Complaint has been made to AFCA about the Trustee’s final decision regarding the payment of a death benefit.</p> <p>Timeframe</p>

	As AFCA will proceed to consider the Complaint immediately, there is no investigation timeframe as such. However, Trustee will have <u>28 days from the date of notification</u> to comply with its notification obligations.
1.	<p>Acknowledge and record the Complaint (within 5 days of notification)</p> <p>The Complaints Resolution Manager will acknowledge the Complaint in writing to AFCA and the Complainant and record the Complaint as a new Complaint in the Complaints Register.</p>
2.	<p>Identify parties with an interest in the death benefit</p> <p>In practice, these are likely to be the same people previously notified by the Trustee.</p> <p>However, to ensure that the Trustee meets its statutory obligations, the Complaints Resolution Manager is to review the death benefit decision and ensure that reasonable enquiries have been made as to who (other than the Complainant) may have an interest in the death benefit. Any reasonable enquiry that has not already been made should be made at this stage.</p>
3.	<p>Notify interested parties of Complaint</p> <p>The Complaints Resolution Manager will ensure that all interested parties (other than the Complainant) are notified of the Complaint.</p> <p>The notification must:</p> <ol style="list-style-type: none"> 1. be in writing 2. state that the Complaint has been made to AFCA 3. provide details of the Complaint; and 4. state that the recipient can apply to be joined as a party to the Complaint by giving notice to AFCA within 28 days (or any further period that AFCA allows).
4.	<p>Notify AFCA of compliance</p> <p>The Complaints Resolution Manager must notify AFCA when the Trustee given the notices above and provide AFCA with the contact details of every interested party that was notified.</p>
5.	<p>Next steps</p> <p>AFCA will proceed to consider the Complaint. LGS will participate in the AFCA complaint resolution process promptly, in good faith and, as far as practicable, adhering to best practice as recommended by AFCA. The AFCA complaint resolution process will be deemed closed, and closed within the Complaints Register, once AFCA provides LGS with notice of their final determination.</p>

10. Remedies and outcomes

- (a) For a **Superannuation Complaint**, either the Complaints Resolution Manager or the Trustee will consider whether the decision or conduct of LGS that the Complainant has complained about was fair and reasonable.
- (b) If the decision or conduct is found to have been unfair, unreasonable, or both, then the Trustee may take one or more of the following actions in order to place the Complainant, as far as practicable, in the position they would have been in if the decision or conduct had been fair and reasonable:
 - (i) vary the decision;
 - (ii) set aside the decision, and substitute a new decision;
 - (iii) set aside, vary or cancel the terms of a life policy fund, annuity policy, insurance contract or retirement savings account that a Complainant was unfairly or unreasonably entered into.
- (c) However, a remedy cannot be provided if it would require the Trustee to act:
 - (i) contrary to any other laws, such as a Superannuation Law or taxation law;
 - (ii) contrary to the LGS Trust Deed (except to the extent permitted to redress an unfair or unreasonable admission into a life policy fund); or
 - (iii) contrary to the terms and conditions of an annuity policy, insurance contract or retirement savings account (except to the extent permitted to redress an unfair or unreasonable sale of the product).
- (d) For a **Financial Services Complaint**, either the Complaints Resolution Manager or the Trustee will consider whether the conduct of LGS in providing the financial service(s) has caused the Complainant to suffer any loss or harm.
- (e) Where LGS' conduct is found to have caused loss or harm to the Complainant, LGS may do one or more things to, as close as possible, make good the loss or compensate for the harm as required.
- (f) The Complaints Resolution Manager will decide what remedy to apply in a Financial Services Complaint in accordance with the guidance provided by AFCA. Where the remedy has a financial component, this will be determined with regard to the monetary limits specified in the AFCA Rules.

11. External Dispute Resolution

Australian Financial Complaints Authority (AFCA)

- (a) A Complainant that is dissatisfied with the outcome of their Complaint, or that is dissatisfied with the way LGS is dealing with their Complaint, may contact AFCA.

- (b) AFCA is an external complaint resolution scheme established to resolve complaints by Complainants about its member firms (of which LGS is one). AFCA is operated by an independent not-for-profit company that has been authorised to do so by the responsible Minister under the Corporations Act.
- (c) AFCA's complaint resolution scheme is free of charge for Complainants. Complainants do not generally need legal or other paid representation to submit or pursue a complaint through AFCA.
- (d) A person is not obliged to use the AFCA complaint resolution scheme to pursue a complaint against a firm and instead may institute court proceedings or use any other available dispute resolution forum. A Complainant who submits a Complaint to AFCA may withdraw their Complaint at any time.
- (e) For Complaints other than death benefit payment complaints, AFCA will generally refer the Complaint back to LGS to provide an opportunity for LGS to work with the Complainant to reach a resolution. This process is described in more detail above.
- (f) The contact details for AFCA are as follows:

Australian Financial Complaints Authority
GPO Box 3
Melbourne VIC 3001

Phone: 1800 931 678

Ethical Conduct Complaints

- (g) Where a Complaint involves ethical conduct, concerns may be raised with the Australian Securities and Investments Commission (ASIC) through their freecall infoline 1300 300 630.

12. Reporting and Monitoring Complaints

Monitoring Complaints

- (a) **Formal Complaints:** The Complaints Resolution Manager must ensure that all formal complaints are logged into the Complaints Register by the Complaints Resolution Manager upon receipt. The Complaints Register must be regularly updated throughout the course of the investigation of the Complaint and should provide:
 - (i) a record of the Complaint for reporting purposes, including copies of all correspondence with the member;
 - (ii) a record of the date of receipt of the Complaint, the due date and any other important dates which the Complaints Resolution Manager should be aware;
 - (iii) a log of any queries made by the Complainant in relation to the progress of their Complaint;

- (iv) any additional information provided by the Complainant, internal stake holders or external service provider relevant to the Complaint;
 - (v) a record the Complaint outcome and whether any compensation was requested or paid to the member as a result; and
 - (vi) an outline the steps taken where the Complaint identified a service failure or matter for correction.
- (b) **Contact Centre Complaints:** The Member Services Manager must ensure that all Complaints received and dealt with through the Contact Centre are logged and recorded on the appropriate systems.

Reporting on Complaints

- (c) The Complaints Resolution Manager will compile a report of all outstanding complaints which is to be provided to the Member Services Committee and the LGS Board as and when required. These reports will include, for the most recent quarter:
- (i) completed complaints (both formal and informal);
 - (ii) currently open complaints;
 - (iii) brief Complaints commentary where deemed appropriate; and
 - (iv) any other matter that the Complaints Resolution Manager wishes to highlight.
- (d) Where legal action is expected or threatened from a Complainant, the Complaint should be brought to the attention of the Deputy Chief Executive Officer.

13. Policy Information

Internal references
LGS Risk Register
Complaints Register
Contact Centre Manual
Privacy Policy

External references
AFCA Complaint Resolution Scheme Rules (as at 1 November 2018)
AFCA Operational Guidelines to the Rules (as at 1 November 2018)
AFCA Transitional Superannuation Guide
Corporations Act 2001 (Cth)
Corporations Regulation 2001 (Cth)
Superannuation Industry (Supervision) Act 1993 (Cth)
Superannuation Industry (Supervision) Regulations 1994 (Cth)

Effective date
1 November 2018

Review
This policy will be reviewed every 2 years or earlier should circumstances dictate.

Authorisation
This Policy is authorised as follows:

Authorised by	LGS Board
Date authorised	31 October 2018
Version no	5
Review date	31 October 2020