

Internal Dispute Resolution Policy of Legal Super Pty Ltd

This Policy sets out the policies for receiving, investigating and responding to complaints.

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1 Introduction

1.1 About this document

1.1.1 This Internal Dispute Resolution Policy (**Policy**) has been adopted to ensure that Legal Super Pty Ltd as trustee (the **Trustee**) for legalsuper (the **Fund**) has a comprehensive and robust process for the management of complaints. This Policy explains:

- (a) how a complaint can be made;
- (b) the options available to assist with making a complaint;
- (c) key steps for dealing with a complaint;
- (d) response timeframes; and
- (e) details about accessing AFCA where a complaint is not resolved.

1.1.2 This Policy sets out the Trustee's management of complaints, including unresolved complaints (the **IDR Process**). It sets out how the Trustee:

- (a) receives, investigates and responds to complaints and disputes; and
- (b) records information about complaints.

1.1.3 This Policy is accompanied by procedures for the Trustee in relation to the handling of complaints.

1.1.4 This Policy must be easily accessible from the Fund's website.

1.1.5 The Trustee must have a dispute resolution system that complies with the standards and requirements set out in relevant legislation and be a member of AFCA.

1.1.6 The Chief Executive is responsible for approving this Policy and overseeing its implementation.

1.2 Purpose

1.2.1 The Trustee acknowledges that a positive complaint management culture can produce beneficial outcomes, including:

- (a) the opportunity to resolve complaints quickly, directly and effectively;
- (b) the continued promotion of fair, honest and trusted relationships between the parties;
- (c) improved levels of consumer confidence, satisfaction and participation;
- (d) greater understanding of the key drivers of complaints, including the reduction of any systemic risks;

- (e) the ability to identify emerging issues and inform product and service delivery improvements; and
- (f) reduced AFCA and future remediation costs.

1.2.2 This Policy is intended to ensure that complaint management is effective, fair and timely, in a way that is appropriate for the nature, scale and complexity of the business of the Fund.

2 Delegations

2.1 The Trustee has delegated management of complaints as follows:

- (a) complaints to the Australian Financial Complaints Authority (**AFCA**) or previously lodged with the Superannuation Complaints Tribunal (**SCT**) are managed by the Complaints Officer;
- (b) all other complaints are managed by the Fund Administrator, Link Group (**MUFG**).

2.2 Measures are in place to ensure suitability of service providers, monitor their performance and deal with any shortcomings.

2.3 The Board has appointed a Complaints Officer.

2.4 The Complaints Officer (in conjunction with other members of the Management Team) monitors MUFG's management of complaints and, where they deem it appropriate, may respond directly to a Complainant in addition to or in place of MUFG.

3 Awareness

3.1 The Audit, Risk and Governance Committee, the Chief Executive and the Management team of the Trustee are actively involved in and support effective complaint management.

3.2 The culture of the Trustee recognises the right to complain and demonstrates a commitment to resolve complaints through action.

3.3 Training is provided to Trustee staff about the IDR Process.

3.4 The Trustee provides information that is easy to understand and use, about how and where complaints may be made by:

- (a) making this Policy available online and in hard copy on request; and
- (b) providing information about the IDR Process in Product Disclosure Statements, Financial Services Guides, periodic statements and on the Fund's website.

3.5 The Trustee regularly reviews the adequacy of the resourcing for its IDR Process and its complaint management documentation, including this Policy and its internal procedures.

4 Complaints

4.1 Making a complaint

4.1.1 Under this Policy a 'complaint' is defined as:

"An expression of dissatisfaction made to or about an organisation, related to its products, services, staff or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required."

An objection to a death superannuation benefit distribution is also a complaint.

4.1.2 In determining whether a matter is a complaint, the Trustee will not take a technical or restrictive approach and regard will be given to the nature of the matter involved and expected response. For clarity, a party subject to this Policy is not required to explicitly state that a matter is a complaint for the Trustee to consider whether a complaint has been made.

4.1.3 Regulatory Guide 271 sets out criteria for determining if certain expressions of dissatisfaction are complaints, or are not complaints, which the Trustee will abide by.

4.1.4 Complainants may include:

- (a) current or former members or beneficiaries, and executors or estate administrators of a former member or beneficiary, in relation to complaints about the payment of a death benefit, any person with an interest in the death benefit, or claiming to be entitled to death benefits through a person with such an interest; or
- (b) parties to an agreement affecting superannuation under the *Family Law Act 1975*.

4.1.5 Complaints can be made in person, by telephone or in writing (by post, email or online) to the Trustee. The Trustee is flexible about lodgement of a complaint and will also deal with complaints lodged with MUFG, the Fund's insurer or through the Fund's social media sites, where the author is identifiable and contactable.

4.2 Responding to complaints

4.2.1 A complaint acknowledgement will be in writing or verbal, having regard to the method used by the Complainant.

4.2.2 Complaints will be responded to (an **IDR Response**) no later than 45 calendar days after receipt, except where the complaint is about the distribution of a death benefit. An IDR Response in relation to a death benefit distribution must be provided no later than 90 calendar days after the expiry of the 28 calendar day period for objecting to a proposed death benefit distribution. These are the "maximum IDR timeframes".

- 4.2.3 If a complaint is rejected or partially rejected, the IDR Response will clearly set out the reasons for the decision.
- 4.2.4 The level of detail in an IDR Response will reflect the complexity of the complaint and the nature and extent of any investigation conducted by the Trustee, without breaching any privacy or other legislative obligations.
- 4.2.5 Best practice should result in the Trustee regularly meeting or outperforming the maximum IDR timeframes. However, in certain circumstances the maximum IDR timeframe may be exceeded.
- 4.2.6 No IDR Response is required if the complaint is closed within 5 business days if:
 - (a) the complaint is resolved to the Complainant's satisfaction, which will be determined by considering various factors; or
 - (b) the Trustee has provided an explanation or apology, and no further action can be taken to reasonably address the complaint.

However, a written IDR Response must be provided if the Complainant requests a written response, or in other specific circumstances.

- 4.2.7 If there is a failure to make a decision on a complaint, an IDR delay notification will be provided.

4.3 **Unreasonable complainant conduct**

4.3.1 It is the Trustee's responsibility, as an employer, to ensure its workplace is a safe working environment. While most customer complaints are resolved straight away and without any conflict with staff or contractors of the Trustee, there may be occasions when complainants can act inappropriately. Customers can sometimes be threatening or abusive to employees or contractors when they are addressing the complaint. Complainant conduct is likely to be unreasonable when it raises health and safety issues for complaints handling staff.

4.3.2 Complainant conduct is also likely to be unreasonable when it makes inappropriate demands on resources or raises equity issues for the Fund.

4.3.3 Examples of such conduct could include:

- (a) unreasonable persistence;
- (b) unreasonable demands;
- (c) lack of cooperation, for example refusing to identify the issue of the complaint or provide sought after information;

- (d) irrational arguments, vexatious complaints; and
- (e) unreasonable behaviours, including abusive language.

4.3.4 Unreasonable conduct does not preclude valid issues being addressed. However, in circumstances where the Complainant's conduct is unreasonable, the Complaints Officer may implement alternate service arrangements, restrict service or implement other strategies for managing such conduct fairly, ethically and reasonably.

4.3.5 The Complaints Officer may also introduce a process for the Trustee, as employer, to use, such as recording incidents and escalation to more senior staff members, when Complainants have been threatening or aggressive to staff members or service providers. This process will help assist staff members in discussing issues with their managers if they feel their personal well-being is at risk.

4.4 **Unresolved complaints – AFCA**

4.4.1 At all times, the Trustee will maintain membership of AFCA.

4.4.2 If a matter subject to this Policy is unresolved, or not resolved within the maximum IDR timeframe, the Complainant will be informed:

- (a) that they may refer the matter to AFCA; and
- (b) of details about how to access AFCA.

4.4.3 AFCA cannot deal with a complaint, which:

- (a) is in relation to the levels of fees, premiums, charges, rebates or interest rates unless the complaint concerns non-disclosure, misrepresentation or incorrect application of that fee, premium, charge, rebate or interest rate;
- (b) raises the same events and facts and is brought by the same individual as a complaint previously dealt with by AFCA and there are insufficient additional events and facts raised in the new complaint to warrant AFCA considering the new complaint;
- (c) has already been dealt with by a court, dispute resolution tribunal established by legislation or a Predecessor Scheme, unless a stay on the execution of a default judgement on the basis of financial difficulty has been requested, and the Fund has declined the complainant's financial difficulty assistance request, and the request has not previously been dealt with;
- (d) is made by a member or a group of related bodies corporate and that group has 100 employees or more; or
- (e) is otherwise excluded under the AFCA rules or where the Courts determine that AFCA does not have jurisdiction.

4.5 AFCA complaint decisions

4.5.1 AFCA will generally try to resolve a complaint in stages, starting with informal methods. This includes, for example, by:

- (a) facilitating negotiations between the parties;
- (b) conciliating a complaint;
- (c) providing a preliminary assessment; and
- (d) making a determination.

4.5.2 AFCA must affirm the original decision of the Trustee if it is satisfied that the decision was fair and reasonable in all the circumstances.¹ If the decision relates to the payment of a death benefit, AFCA must decide if the decision is unfair or unreasonable in its operation in relation to the complainant and any other interested party who has been joined to the complaint.² AFCA cannot make a decision that would be contrary to law or that would require the Trustee to act contrary to its Trust Deed or the terms and conditions of its insurance policy.

4.5.3 If a preliminary assessment is made by AFCA in relation to a complaint, both the complainant and the Trustee have the right to reject that preliminary assessment. If both parties accept the preliminary assessment, then it will be binding. If one or both parties reject the preliminary assessment, then AFCA will proceed to making a determination. An appeal to the Federal Court is also available if further recourse is sought by either party.

5 Representatives

5.1 Where complaints are received from representatives of members, beneficiaries or former beneficiaries, the Trustee will request evidence confirming their authority prior to providing a response.

5.2 The Trustee will accept complaints by a representative of a party subject to this Policy, if the representative provides evidence, to the satisfaction of the Trustee, that:

- (a) the member, beneficiary or former beneficiary is under age 18; or
- (b) the member, beneficiary or former beneficiary has a disability within the meaning of the *Disability Discrimination Act 1992*; or
- (c) the member, beneficiary or former beneficiary is deceased, and the representative is

¹ Corporations Act, s 1055(2) and (3).

² Corporations Act, s 1055(5).

the legal personal representative or a person who intends to become the legal personal representative of the deceased member, beneficiary or former beneficiary;
or

(d) the member's, beneficiary's or former beneficiary's circumstances are such that it is necessary or desirable for the complaint to be made by a representative of the member or beneficiary or former beneficiary.

5.3 AFCA encourages Complainants to manage their complaints themselves but will accept complaints from a representative or agent.

6 Reporting and recording complaints

6.1 Complaint register

6.1.1 MUGG provides the Management team with complaints data including in relation to the types of complaints managed and timeframes for processing, and other information requested by the Trustee about complaints.

6.1.2 The Trustee also has an internal risk and compliance system, to record complaints that are made to AFCA. The information includes the nature of the complaint, its resolution and relevant timeframes.

6.2 Reporting to the Audit, Risk and Governance Committee

6.2.1 Quarterly reports to the Audit, Risk and Governance Committee provide information about complaints, including metrics and analysis.

7 Review of this Policy

7.1 This Policy will be reviewed triennially to identify areas for improvement and is approved by the Executive Manager, Legal, Risk & Compliance.

Version Control

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