

**AD Advisory Services Pty Ltd**

**ABN 68 005 830 802**

**Australian Financial Services License No. 237058**

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**Complaints Handling Policy**

**(Internal Dispute Resolution and External Dispute Resolution Procedures)**

## DOCUMENT MANAGEMENT

**Responsibility for Policy\***—Jonathan Thomas – Director

### Revision History

**Note:** Version(s) numbering is Licensee Compliance Solutions' current template supply sequence and not necessarily that of AD Advisory Services.

Date	Version	Description Of Review	Author
October 2023	V0923	Review of Policy conducted and updated with new text to address IDR reporting requirements. Minor/new formatting conducted and remove of references of trustee companies and related superannuation funds obligations.	K Hockley
September 2022	V0921	Review of Policy conducted	T Everitt
27 September 2021	V0921	New precedent applied resulting in re-write basis ASIC's new RG 271- Internal dispute resolution released Sept 2021, effective 5 Oct 2021	K Hockley
September 2020	V0920	Review of Policy conducted. Various amendments and updates made.	K Hockley
September 2019	5.0	Review of Policy conducted with definitions and procedural updates included.	K Hockley

### Approval

Version	Approval	Date	Complaints Officer	From	To
V0923	Jonathan Thomas	01/10/23	Jonathan Thomas	Inception	Current
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**\* Note:** This document is designed to provide an overview of the regulatory requirements and you will need to make sure all aspects of the document are appropriate for your business, and any Representatives. If it is not correctly tailored by you and kept up to date it may not comply with regulatory requirements. Licensee Compliance Solutions (LCS) is not responsible for the final tailoring, customisation, implementation, circulation or use of the document and or any applicable resources, worksheets, procedures, registers etc. While every care is taken in the preparation of this document, LCS makes no representation that this document is fit for you or your Representatives purpose and accepts no responsibility for any loss or damage or cost incurred as a result of its use.

### Confidentiality

This document is confidential to AD Advisory Services Pty Ltd and must not be disclosed to any third party without their express written approval.

## TABLE OF CONTENTS

1.	Purpose of the Policy .....	4
2.	Governing Framework .....	4
3.	Scope of the Policy .....	4
3.1	Other Relevant Policies .....	4
4.	Definitions .....	4
5.	Policy Overview .....	6
5.1	Responsibility .....	6
5.2	Key Requirements .....	6
5.3	How does the law apply to our business?.....	7
5.4	What is our approach? .....	8
6.	What is a complaint? .....	8
7.	Internal Dispute Resolution (IDR) process.....	9
7.1	Recording Complaints .....	9
7.2	Oral complaints .....	10
7.3	Written complaints .....	10
7.4	Investigating complaints .....	11
7.5	Timing of final response in writing.....	11
7.6	When a final response in writing is not required.....	11
7.7	Contents of final response in writing .....	12
7.8	Unreasonable or challenging complainant conduct.....	13
8.	Monitoring.....	13
8.1	Resourcing.....	14
9.	AFCA membership .....	14
10.	What record keeping obligations do we have? .....	14
10.1	Collection .....	14
10.2	Confidentiality .....	15
10.3	Obligation to give information to AD Advisory Services .....	15
11.	IDR reporting .....	15
12.	Professional indemnity (PI) insurance .....	16
13.	Approval and Review.....	16
	Appendix 1 – Public Complaints Policy .....	17
	Appendix 2 – Complaints Report .....	20
	Appendix 3 – Complaints Register .....	21
	Appendix 4 – Letter to complainant EXAMPLE .....	22
	Appendix 5 – Letter to complainant seeking information EXAMPLE.....	23
	Appendix 6 – Letter to complainant providing list of remedies EXAMPLE .....	24
	Appendix 7 – EXAMPLE of Final Letter and mandatory AFCA content .....	25

**[User Note:** Any Appendices in this document with the word EXAMPLE in the title or ‘User Note’, are supplied as an ‘example’ template. If you use another system (e.g. Excel, CRM etc. instead of a Word doc) state this in the applicable Appendix as you customise this policy. Carefully review your methodology to ensure it is compliant, tailored, fit for purpose and accurately reflects what happens in practice.]

## COMPLAINTS HANDLING POLICY

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### 1. Purpose of the Policy

AD Advisory Services Pty Ltd ("AD Advisory Services", the Licensee) as the holder of an Australian Financial Service License (ASFL) is required to have procedures and processes in place to ensure that AD Advisory Services has adequate internal and external dispute resolution procedures for its clients. It is also a member of the external compliant resolution scheme – 'Australian Financial Complaints Authority'.

### 2. Governing Framework

The framework for a financial services licensee is governed by:

*Australian Securities and Investments Commission (ASIC) Regulatory Guide (RG):*

*ASIC RG 256: Client review and remediation conducted by advice licensees;*

*ASIC RG 267: Oversight of the Australian Financial Complaints Authority;*

*ASIC RG 271: Internal dispute resolution;*

*ASIC RG 277: Consumer remediation;*

*ASIC Report 515: Financial Advice: Review of how large institutions oversee their advisers;*

*ASIC Report 603: The consumer journey through the Internal Dispute Resolution process of financial service providers;*

*ASIC Corporations, Credit and Superannuation (Internal Dispute Resolution) Instrument 2020/98;*

*ASIC Corporations (Internal Dispute Resolution Data Reporting) Instrument 2022/205;*

*Regulatory Guide 277: Consumer Remediation;*

*IDR data reporting handbook*

*Corporations Act 2001;*

*Corporations Regulations 2001;*

*Internal Disputes Resolution Data Reporting Handbook;*

*Privacy Act 1988 (Cth).*

### 3. Scope of the Policy

This policy sets out the measures for handling complaints made against AD Advisory Services (and our Representatives through our internal dispute resolution process and external dispute resolutions if required. Information about our IDR process and how it can be accessed by a client is included in our Financial Services Guide.

This policy applies to the entire organisation, including Directors, Responsible Managers, Senior Managers, Contractors, Consultants, Representatives including its dedicated complaints handling staff, employees and all staff within AD Advisory Services.

#### 3.1 Other Relevant Policies

This policy should be read in conjunction with, including but not necessarily limited to:

- Client Remediation Policy;
- Consequence Management Policy;
- Incident and Breach Reporting Policy;
- Privacy Management Procedures;
- Representatives Appointing Reference Checking and Reference Giving Policy;
- Representatives Monitoring and Supervision Policy; and
- Risk Management Policy.

### 4. Definitions

**AFCA** means Australian Financial Complaints Authority.

**ASIC** means Australian Securities and Investment Commission.

**Breach reporting** meaning is defined in our Incident and Breach Reporting Policy.

**Complainant** means a person or company who at any time has:

- made a complaint to AD Advisory Services; or
- lodged a complaint with the AFCA that falls within their Term of Reference or Rules.

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

**Complaints Officer** means a person nominated and formally appointed by AD Advisory Services who is responsible for all complaints related to services provided by AD Advisory Services and any of its Representatives. The Complaints Officer is named above in the 'Approval' section of the 'Document Management' on page 2. They report to the Director and Compliance Manager. In the Complaints Officer absence, the Director remains responsible for managing/delegating tasks associated with any new and ongoing complaints of AD Advisory Services or any of its Representatives.

**Compliance Manager** means a person nominated and formally appointed by AD Advisory Services who is responsible for monitoring, supervising and overseeing the compliance requirements of AD Advisory Services reporting to the Responsible Managers and Director. Currently, the oversight of this role is held by Keith Hockley and Licensee Compliance Solutions. AD Advisory Services has determined a number of base hours for the performance of this service by the external compliance manager. Note: The Compliance Manager is not responsible for ensuring that this policy is implemented and monitored within AD Advisory Services, unless formally named in the 'Approval' section of the 'Document Management' as the Complaints Officer on page 2, or requested by the Director, and accepted, in writing.

**Dispute** has the same meaning as a complaint.

**Director** means a Director of AD Advisory Services Pty Ltd.

**EDR Scheme** means an External Dispute Resolution scheme, Australian Financial Complaints Authority.

**Employee** means all staff of AD Advisory Services; including support staff who are involved in providing financial services and other staff who do not provide financial services.

**FSG** is an abbreviation for Financial Services Guide.

**IDR** means Internal Dispute Resolution.

**PI Insurance** is an abbreviation for Professional Indemnity Insurance.

**Privacy Complaint** means a complaint about the use of personal information, unauthorised access to or information being lost in circumstances where unauthorised access to or disclosure of personal information has occurred.

**Review and remediation** means a set of activities set up with an advice licensee to review personal advice given to clients, where a systemic issue in relation to the advice has been identified, and then to remediate clients who have suffered loss or detriment as a result (whether monetary or non-monetary).

**Representative** under the *Corporations Act 2001*, means:

- an employee or Director of AD Advisory Services (appearing on the ASIC's Financial Adviser Register) and called a 'Financial Adviser';
- an employee or Director of a related body corporate of AD Advisory Services (appearing on the ASIC's Financial Adviser Register) and called a 'Financial Adviser' and or an Authorised Representative; or
- any other person (an 'Individual') acting on behalf of AD Advisory Services (excluding external legal counsel) appearing on the ASIC date base as an Authorised Representative

who are authorised in writing to provide financial services on behalf of AD Advisory Services.

**RSA** is an abbreviation for Retirement Saving Account.

**Responsible Managers** means persons nominated and formally appointed by AD Advisory Services under its AFSL whose expertise and skills are relied upon for the provision of the financial services activities authorised under its AFS License and responsible for significant day-to-day decisions about the ongoing provision of AD Advisory Services' financial services. See the Fit and Proper Persons and Responsible Managers Policy, and its appendices (*Responsible Manager and Compliance Management – Table of Organisational Competence*), for our current Responsible Managers.

## 5. Policy Overview

As an Australian financial services licensee, AD Advisory Services is required to have in place a dispute resolution system that consists of:

- An internal dispute resolution (IDR) procedures that meet the standards or requirements made or approved by ASIC; and
- membership of one or more ASIC-approved external dispute resolution (EDR) schemes.

This policy sets out the IDR and EDR procedures that need to be complied with by staff and the Complaints Officer in the event of a dispute (or Privacy complaint) with a client of AD Advisory Services.

### 5.1 Responsibility

The Complaints Officer will be responsible for implementing this policy with the assistance of the external Compliance Manager. This policy is reviewed every year by the external Compliance Manager. If there is a major breach in areas of this Policy, the external Compliance Manager shall review, with the assistance of the Complaints Officer, the relevant procedure.

**At a glance**, this policy addresses:

#### **Identifying a Complaint**

- Ensure all staff understand the definition of 'complaint'
- Ensure every complaint is identified, whether it is received by phone, email, social media post or in person

#### **Recording complaints**

- Capture and record every complaint in the Complaints Register irrespective of how it is made or when it is resolved

#### **Acknowledging a complaint**

- Acknowledge every complaint in writing within 24 hours (or one business day) of it being received, or otherwise as soon as practicable

#### **Responding to a complaint**

- Provide the complainant with a final response in writing within 30 days of receiving the complaint (or within other timeframe as set out in this Policy)
- In the final written response, inform the complainant of the final outcome of the complaint and include specific information where the complaint is rejected in full or in part
- In the final written response, inform the client of their right to escalate the complaint to AFCA

#### **Reporting**

- Analyse and report internally on complaints data regularly
- Report IDR data to ASIC under the ASIC Corporations (Internal Dispute Resolution Data Reporting) Instrument 2022/205

### 5.2 Key Requirements

#### **Licensee**

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

Do	When
Ensure there are simple and accessible arrangements for resolving complaints (e.g., procedures for monitoring the Complaints Register and recording complaints)	At all times
Report IDR data to ASIC in accordance with the ASIC Corporations (Internal Dispute Resolution Data Reporting) Instrument 2022/205	Every six months

**Representative**

Do	When
Ensure that you are familiar with, and comply with this policy	At all times
Try to resolve a complaint if possible, or commit to doing something immediately (within the authorisations provided to you by the Licensee)	When a complaint is received
Refer all complaints to the Complaints Officer if they cannot be resolved within the authorisations provided to you by the Licensee	When complaints are received
Record all complaints in the Complaints Register	When complaints are received
Ensure each complainant is provided with a final response in writing no later than 30 calendar days (45 for traditional trustee complaint, 45 for superannuation trustee complaints, 90 for superannuation death and benefit distribution complaints) after the complaint is received	Within 30 calendar days (45 for traditional trustee complaints, 45 for superannuation trustee complaints, 90 for superannuation death and benefit distribution complaints) of a complaint being received, unless an exception or different time frame applies

DO NOT
<ul style="list-style-type: none"> <li>Ignore a complaint or categorise a complaint as 'feedback', an 'enquiry' or a 'comment' where it meets the definition of a complaint as defined in this policy</li> <li>Insist that complaints must be submitted in writing</li> <li>Fail to renew your membership with AFCA</li> <li><a href="#">Fail to submit IDR data to ASIC every six months</a></li> </ul>

**5.3 How does the law apply to our business?**

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

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

Our IDR process covers complaints made against us (and our representatives). Information about our IDR process and how it can be accessed by a client is included in our FSG [and PDS].

We are also required to have a readily accessible public complaints policy on our website.

See Appendix 1 – Public Complaints Policy, which includes an explanation of:

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

From 1 July 2023, we are required to report certain IDR data to ASIC every six months.

#### 5.4 What is our approach?

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

This policy covers complaints made by a retail client, including a small business as defined in the AFCA Rules;

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

All complaints should be immediately referred to the Complaints Officer who is referred to in the 'Document Management' page of this policy. The Complaints Officer will commence the process in dealing with a complaint, open a file, complete our Complaints Report and follow through to register inclusion. See Appendix 2 –Complaints Report and our Complaints Register.

The Complaints Officer will ensure that complaints are handled genuinely, promptly, fairly and consistently.

The Complaints Officer has sufficient training and competence to deal with complaints, including:

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

The Complaints Officer has to settle complaints.

If AD Advisory Services outsource part or all of our IDR processes, we will ensure that due care and skill is taken in selecting the outsourced providers. The Responsible Person within AD Advisory Services will regularly monitor the ongoing performance of the outsourced services provider(s) and take appropriate action where a service provider is found to breach the service agreement with us, or fails to comply with the guidance provided by ASIC in Regulatory Guide 271.

#### 6. What is a complaint?

For the purposes of this policy, a complaint is:

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

AD Advisory Services will deal with expressions of dissatisfaction that meet the definition of a complaint under this policy.

Complaints include:

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

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

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



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

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

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

A complaint **does not** include the following:

- A general enquiry e.g. the person is merely seeking information: or
- A request for a document or copies of document/s e.g. copy of a client's agreement.

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

## 7. Internal Dispute Resolution (IDR) process

AD Advisory Services will ensure that our IDR process is easy to understand and use, including by complainants with a disability or language difficulties.

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

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

A complainant may also appoint a representative to act on their behalf in relation to lodging and resolving a complaint with us. AD Advisory Services will obtain a third-party authority from the complainant to liaise with their appointed representative. Where a complainant appoints a representative, AD Advisory Services will not contact the complainant directly, unless:

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

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

**Note:** Any allegation of fraud, dishonesty, false, misleading or deceptive conduct must be reported to the Director immediately.

### 7.1 Recording Complaints

All complaints must be captured and recorded in our Complaints Register (see Appendix 3) by the Complaints Officer with the assistance of the representative or staff member who receives the complaint irrespective of:

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

The following details must be recorded in the Complaints Register:

- the complainant's name;
- the date the complaint was received;
- the product or service complained about;
- brief details of the complaint;

- whether there is any evidence of a breach of the financial services laws or our licence;
- whether a complaint has been made to AFCA;
- whether there is a need to notify our PI insurer and whether this has been done;
- any action taken and decisions made (remedy, determination, result);
- the date the complaint was resolved;
- whether any training needs have been identified as a result of the complaint; and
- whether the complaint gives rise to a risk that should be included in our Risk Register.

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

## 7.2 Oral complaints

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

- identify yourself, listen, record details and determine what the complainant wants to resolve the complaint;
- confirm the details received;
- empathise with the complainant in a courteous manner;
- do not attempt to lay blame or be defensive;
- acknowledge receipt of the complaint (orally, and in writing within 24 hours of one business day, or as soon as practicable), and retain a record of the acknowledgement having been made (for example, a file note, telephone recording or a copy of the written acknowledgement);
- refer the complainant to our Public Complaints Policy on our website (where we have one) or by providing them with a PDF copy via their preferred communication mean
- resolve the complaint if possible, or commit to doing something immediately, irrespective of who will ultimately handle the complaint. For example, a correction to the client's records or a simple apology may be sufficient;
- if the complaint cannot be immediately resolved, outline the next steps of the process, being careful not to create unrealistic expectations;
- provide the name and contact details of the person who will be formally dealing with the complaint (i.e. the Complaints Officer);
- confirm how the complainant wishes to be communicated with (by post, email, phone, etc.);
- record the complaint in the Complaints Register (**even if the complaint was able to be resolved immediately**); and
- refer the complaint to the Complaints Officer (**even if the complaint was able to be resolved immediately**).

## 7.3 Written complaints

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

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

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

Where a complaint is acknowledged:

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

See Appendices 4, 5, 6 and 7 for various example complainant letter templates and draft response text.

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

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

**Note:** As with all complaints received be aware of any PI Insurance policy requirements to notify underwriters of "*facts that may give rise to a claim*" obligations. See AD Advisory Services' Compensation and Insurance Policy for further details if PI Insurance is held.

#### **7.4 Investigating complaints**

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

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

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

Until a complaint is finalised, the Complaints Officer remains responsible for:

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

#### **7.5 Timing of final response in writing**

Where a complaint has remained unresolved for more than five business days after being received; or where a complainant requests a final response in writing, the Complaints Officer will ensure that a final response in writing is provided to a complainant no later than 30 calendar days after receiving the complaint.

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

#### **7.6 When a final response in writing is not required**

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

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

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

However, a final response must be provided if the complaint was closed by the end of the fifth business day:

- if the complainant requests a written response;
- if the complaint is about hardship, a declined insurance claim or the value of an insurance premium; or
- a declined insurance claim;
- the value of an insurance claim; or
- a decision of a superannuation trustee (or failure by the trustee to make a decision) relating to a complaint.

## 7.7 Contents of final response in writing

A final written response must:

- inform the complainant of the final outcome of the complaint which will consist of:
  - acceptance of the complaint and, where appropriate, offering a remedy; or
  - offering a remedy without accepting the complaint; or
  - rejecting the complaint (in full or in part);
- where the complaint is rejected (in full or in part):
  - identify and address the issues raised by the complainant;
  - set out our findings on the material questions of fact, making reference to relevant supporting information; and
  - provide sufficient detail for the complainant to understand the reason(s) for our decision so the complainant is fully informed when deciding whether to escalate the complaint to AFCA or another forum;
- inform the complainant that they have the right to take the complaint to AFCA;
- provide the complainant with AFCA's contact details;
- inform the complainant that our internal dispute resolution process has concluded and our final decision about the complaint has been made;
- inform the complainant that if they wish to lodge a complaint with AFCA, they must do so within 2 years of the date of AD Advisory Services' final response.

When considering the appropriate remedy to a complaint, the Complaints Officer will consider:

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

Possible remedies to a complaint may include:

- an explanation of the circumstances giving rise to the complaint;
- provision of assistance and support;
- rectification;
- an apology;
- a refund or waiver of a fee or charge;
- a goodwill payment;
- compensation;
- a waiver of a debt;
- changing the terms of a contract;
- correcting incorrect or out-of-date records;
- replacement of damaged or lost property; and/or
- agreeing to put in place improvements to systems, procedures or products.

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

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

For Example letters, please see attached, Appendix 6 and 7.

### 7.8 Unreasonable or challenging complainant conduct

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

Any complainant conduct that is considered to be unreasonable or challenging must be referred to the Complaints Officer.

Examples of unreasonable conduct may include:

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

### 8. Monitoring

AD Advisory Services has set clear accountabilities for complaints handling functions, including the management of systemic issues that are identified through complaints.

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

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

The Complaints Officer with the assistance of the Compliance Manager where requested, is also responsible for maintaining and analysing all complaints handling data, including:

- number of complaints received;
- number of complaints closed;
- nature of complaints;
- time taken to acknowledge complaints;
- time taken to resolve or finalise complaints;
- complaint outcomes, including:
  - number of complaints resolved;
  - number of complaints unresolved;
  - number of complaints abandoned/withdrawn; and
  - details of amounts paid to complainants to resolve complaints;
- possible systemic issues identified;
- the underlying causes of complaints;
- complaint trends;
- breaches of law, such as:
  - failure to provide relevant disclosure documentation;
  - failure to disclose remuneration;
  - failure to provide adequate advice;
  - misleading conduct;
  - inappropriate advice;
  - failure to meet consumer protection standards or codes of conduct;
  - fraud; and

- recommendations for improving products or services;
- number of complaints escalated to AFCA or another forum;

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

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

The Complaints Officer will report complaints handling data, including metrics and analysis of complaints, systemic issues identified through complaints, the details of decisions made and actions taken in respect of complaints, at monthly management meeting, quarterly compliance meetings and directors meetings.

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

### 8.1 Resourcing

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

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

## 9. AFCA membership

We are required to be a member of an external dispute resolution organisation. Accordingly, we are a member of AFCA, membership number 10139.

You can contact AFCA using the following details:

Online: [www.afca.org.au](http://www.afca.org.au)

Email: [info@afca.org.au](mailto:info@afca.org.au)

Telephone: 1800 931 678 (free call); (or +61 1800 931 678 if calling from overseas)

In writing to: Australian Financial Complaints Authority, GPO Box 3, Melbourne VIC 3001

AD Advisory Services internal compliance assistant will diarise when the Licensee's AFCA membership is due for renewal.

AD Advisory Services must notify ASIC within 3 days of becoming aware of:

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

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

## 10. What record keeping obligations do we have?

### 10.1 Collection

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

There are additional record keeping and reporting obligations in relation to product-related complaints, under the design and distribution regime. See the Design and Distribution Policy for further information in relation to these requirements.

## 10.2 Confidentiality

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

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

## 10.3 Obligation to give information to AD Advisory Services

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

## 11. IDR reporting

As the holder of an Australian Financial Services Licence who provides financial services to retail clients, AD Advisory Services is required to report certain IDR data to ASIC.

AD Advisory Services must lodge our IDR data with ASIC every six months, covering the following reporting periods:

- 1 January to 30 June
- 1 July to 31 December

Generally, AD Advisory Services must lodge our IDR data with ASIC by the end of the second calendar month following each reporting period.

The IDR data that we report to ASIC must include specified data in relation to each complaint made to us that:

- is required to be covered by our IDR procedure; and
- was either made in the reporting period or not closed as at the start of the reporting period.

AD Advisory Services must also report in relation to a complaint that was previously closed if we have reopened the complaint during the reporting period.

IDR data must be provided to ASIC via the ASIC Regulatory Portal in CSV (comma separated values) format, and must pass two stages of validation before being accepted by ASIC's system. AD Advisory Services will only meet our IDR data reporting requirement when our data file has passed both stages of ASIC's validation. To ensure that our data passes ASIC's two stages of validation, we will:

- ensure that the data we enter meets the format or codes required for each data element; and
- use the specified machine-readable headers.

The IDR data that must be reported to ASIC is set out in ASIC's IDR data reporting handbook. IDR reporting data elements are:

- mandatory – must be completed for all complaints;
- conditional – must be completed if a certain answer has been provided for another data element; or
- optional – the financial firm can choose whether to complete the data element or leave it blank.

The IDR data reporting elements are set out in the table below:

Data element number	Object class	Data element name	Field type
1.	Complaint identifying information	Financial firm's complaint unique identifier	Mandatory
2.	Complaint identifying information	Name of brand or superannuation fund that the complaint is about	Mandatory
3.	Complainant demographics	Complainant type	Mandatory
4.	Complainant demographics	Complainant gender	Conditional
5.	Complainant demographics	Complainant age	Conditional
6.	Complainant demographics	Complainant postcode	Mandatory
7.	Complaint information	Complaint status	Mandatory

Data element number	Object class	Data element name	Field type
8.	Complaint information	Complaint channel	Mandatory
9.	Complaint information	Date received	Mandatory
10.	Complaint information	Date closed	Conditional
11.	Complaint information	Number of days taken to resolve the complaint	Optional
12.	Complaint information	Is the complaint about the authorised representative of an AFS licensee?	Mandatory
13a. – 13c.	Complaint information	Product or service	Mandatory
14a. – 14c.	Complaint information	Complaint issue	Mandatory
15a. – 15c.	Complaint information	Complaint outcome	Conditional
16.	Complaint information	Monetary remedy	Conditional

See the Guide to IDR Reporting, as well as ASIC's IDR data reporting handbook which includes ASIC's IDR data dictionary and data glossary.

### 12. Professional indemnity (PI) insurance

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

The notification requirements of the PI insurance policy are noted in AD Advisory Services' policy wording.

### 13. Approval and Review

The Director must approve this policy and is responsible for its updates and circulation ensuring that any co-Directors, Responsible Managers, Senior Managers, Contractors, Consultants, Representatives, all staff and any outsourced providers of AD Advisory Services are aware of, and understand, the requirements of this policy, as applicable to them.

The Compliance Manager will review this policy annually, or as required by legislation or regulatory changes, or if there are systemic problems within AD Advisory Services.



## Appendix 1 – Public Complaints Policy

### AD Advisory Services Public Complaints Policy

AFLS No. 237058

ABN 68 005 830 802

#### Overview

This policy explains how you can make a complaint, our measures for handling your complaint, and the steps you can take if you are not satisfied with our response to your complaint or the time that it takes for us to respond.

When we use the term IDR, we mean ‘internal dispute resolution’.

We acknowledge the importance of having an effective and efficient complaints handling and IDR framework, and we adopt a customer-focused approach. While we acknowledge your right to make a complaint, we expect that you will treat our staff with respect when they are dealing with your complaint.

The purpose of this Complaints Policy is to set out the information required to be in a Complaints policy by *ASIC Corporations, Credit and Superannuation (Internal Dispute Resolution) Instrument 2020/98* (‘the Instrument’). The Instrument is a legislative instrument made by the Australian Securities and Investments Commission (ASIC).

We adopted the current version (HN0421) of this Public Complaints Policy on 5 October 2021.

#### What is a complaint?

A complaint is:

*“An expression of dissatisfaction made to or about us; related to our products, services, staff or our handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required”.*

#### How to make a complaint

You can make a complaint to us in any of the following ways:

<b>Telephone</b>	1300 853 764
<b>Email</b>	info@adfp.com.au
<b>Writing</b>	GPO Box 2960 Brisbane QLD 4001

When making your complaint please tell us:

- your name
- how you wish us to contact you (for example, by phone, email)
- what your complaint is about; and
- what you are seeking to resolve your complaint.

#### If you need help to make a complaint

If you need help to make or manage your complaint, you can appoint someone (for example, a relative or friend) to represent you. Please note that we will need your authority to speak to any representative that you appoint.

We can also arrange an interpreter for you, and help you to fill out forms or express your complaint.

[Insert any other types of assistance that you offer, for example, translations of this policy into different languages.]

#### How we will deal with your complaint

##### Acknowledgement

We will acknowledge receipt of your complaint and try to resolve it as quickly as possible.

Generally, where your complaint is made:

- verbally – we will acknowledge your complaint in the same manner [and, in writing, within one business day, or as soon as practicable];
- in writing – by email or via social media, we will acknowledge your complaint, in writing, within one business day or as soon as practicable thereafter.

When acknowledging your complaint, we will also have regard to any preferences you have communicated to us in relation to the way in which you wish for us to communicate with you.

#### *Investigation of your complaint*

If we cannot resolve your complaint immediately, we will need some time to investigate your concerns. We may also request that you provide us with further information to assist with our investigation.

#### *IDR Response*

We will provide you with our written reasons for the outcome of your complaint (IDR Response) within the following timeframes where:

- your complaint is not resolved within 5 business days of us receiving your complaint;
- if you request a written response; or
- if your complaint is about a declined insurance claim; the value of an insurance claim or if your complaint is about a decision of a superannuation trustee.

Standard complaints	No later than 30 calendar days after receiving your complaint
Traditional trustee complaints	No later than 45 calendar days after receiving your complaint <sup>†</sup>
Superannuation trustee complaints, except for complaints about death benefit distributions	No later than 45 calendar days after receiving your complaint
Complaints about superannuation death benefits	No later than 90 calendar days after the expiry of the 28-calendar day period for objecting to a proposed death benefit distribution referred to in section 1056(2)(a) of the Act <sup>††</sup>

Our IDR Response will also inform you of your right to escalate your complaint to the Australian Financial Complaints Authority (AFCA). AFCA offers a free and independent dispute resolution for financial complaints to individuals and small businesses.

If we reject your complaint (whether in full or in part), our IDR Response will:

- identify and address the issues you raised in your complaint;
- set out our findings on the material questions of fact raised in your complaint, making reference to the relevant supporting information; and
- provide a sufficient level of detail in order for you to understand the reasons for our decision so that you can decide whether to escalate the complaint to AFCA or another forum.

We are not required to provide you with an IDR Response if:

- your complaint is resolved to your complete satisfaction within 5 business days and you have not requested an IDR Response; or
- within 5 business days of receiving your complaint, we have given you an explanation and/or apology in circumstances where we cannot take any further action to reasonably address your complaint.

#### *Delay in providing an IDR Response*

If we are not able to provide our IDR Response to you on time because your complaint is complex or because of circumstances beyond our control, we will write to you to explain the reasons for the delay, and inform you of your right to complain to AFCA and provide you with AFCA's contact details.

#### **Escalating your complaint**

If you are not satisfied with our response to your complaint, you can escalate your complaint to AFCA.

#### *AFCA*

We are required to be a member of an external dispute resolution scheme. Accordingly, we are a member of AFCA and our membership number is 10139.

You can contact AFCA using the following details:

- Email: [info@afca.org.au](mailto:info@afca.org.au)

- Phone: 1800 931 678 (or +61 1800 931 678 if calling from overseas)
- Online: [www.afca.org.au](http://www.afca.org.au)
- Mail: GPO Box 3, Melbourne, VIC, 3001

†Time stops running when (a) another person commences legal proceedings to be included as a beneficiary and the outcome would affect the handling of the complaint at IDR; or (b) the traditional trustee applies for an opinion, advice or direction from a court to reasonably handle the complaint at IDR. Time will start to run again once the court determines whether the other person should be included as a beneficiary, or provides an opinion, advice or otherwise gives a direction, and the time to lodge an appeal (if relevant) has passed.

†† Any objection to a proposed death benefit distribution will trigger the start of the IDR process. When an objection is made, the 90-calendar day maximum IDR timeframe begins from the end of the 28-calendar day objection period

**Appendix 2 – Complaints Report**

**[User Note: This is an example document, including but not necessarily limited to, matters that relate to recording a complaint. It is not necessarily definitive or tailored for your use. Modify, as with all templates, for your specific business use. Delete this user note, once you have tailored the document for your specific use.]**

**COMPLAINTS REPORT****INITIAL REPORT**

<b>Your Name:</b>	<b>Date complaint brought to you:</b>	<b>Today's date:</b>
<b>Type of Service: (Dealing/Advice)</b>	<b>Client:</b>	<b>Location:</b>
<b>Description of complaint</b> <i>If this is a client complaint, list all customer details. Include as much detail as possible in any case. With what is the complainant dissatisfied and what resolution are they seeking?</i>		
<b>Corrective Action Proposal</b>		

<b>Complaint Investigation by Complaints Manager</b> _____ <b>Date:</b>	
<i>To be completed by complaint manager or delegate</i>	
Complaints Register entry number and date entered:	
Investigation notes stored at:	Complaint received <input type="checkbox"/> <b>Date:</b> Complainant acknowledged <input type="checkbox"/> <b>Date:</b> Possible breach considered? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>If not, why not?</i> _____ Incident/Breach? <input type="checkbox"/> Possible <b>Date:</b> <i>Referred to:</i> _____ <b>Date:</b> Investigation reviewed <input type="checkbox"/> Complaint resolved <input type="checkbox"/> <b>Date:</b> Complainant advised <input type="checkbox"/> <b>Date:</b>
Notations/File Notes etc.	
<b>FOLLOW-UP REPORT/CONSEQUENCE MANAGEMENT CONDUCTED ?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <b>Date:</b> If No, why not?	
<b>CLIENT REVIEW AND REMEDIATION POLICY INSTIGATED</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <b>Date:</b> If No, why not?	
<b>Responsible Persons Comments:</b>	
<b>Signed</b>	<b>Dated:</b>



**Appendix 4 – Letter to complainant EXAMPLE**

[User Note: This is an example document, including but not necessarily limited to, matters that relate to responding to a complaint. It is not necessarily definitive or tailored for your use. Modify, as with all templates, for your specific business use. Also, look out for ASIC and other industry bodies requirements and updates, basis Codes and other Regulations or Legislation changes that occur from time to time. Delete this user note, once you have tailored the document for your specific use.]

**Attention:**

[insert address]

Dear [insert name]

**Re: Complaint to AD Advisory Services Pty Ltd**

We refer to your complaint dated [insert date].

We confirm that your complaint is [insert details of complaint].

AD Advisory Services is committed to ensuring the satisfaction of its clients and we are investigating your complaint.

We will attempt to resolve your complaint within 30 days.

Please advise if you would prefer that we communicate with you in relation to your complaint, by telephone, email or in writing.

In the event that the complaint is not resolved within 30 days or should the matter not be resolved to your satisfaction, you can lodge a complaint with the Australian Financial Complaints Authority, (AFCA).

The AFCA provides fair and independent financial services complaint resolution that is free to consumers. Their contact details are:

Website: [www.afca.org.au](http://www.afca.org.au)

Email: [info@afca.org.au](mailto:info@afca.org.au)

Telephone: 1800 931 678 (free call) or (+61 1800 931 678 if calling from overseas)

In writing to: Australian Financial Complaints Authority, GPO Box 3, Melbourne VIC 3001

We value our relationship with you, and trust that this letter assists you in understanding how our complaints process operates.

Please contact me if you have any queries in this matter.

Yours sincerely,

[NAME]

[Role]

AD Advisory Services Pty Ltd

Enclosure: 1: Public Complaints Policy

## Appendix 5 – Letter to complainant seeking information *EXAMPLE*

**[User Note: This is an example document, including but not necessarily limited to, matters that relate to requesting information in relation to a complaint. It is not necessarily definitive or tailored for your use. Modify, as with all templates, for your specific business use. Also, look out for ASIC and other industry bodies requirements and updates, basis Codes and other Regulations or Legislation changes that occur from time to time. Delete this user note, once you have tailored the document for your specific use.]**

### Attention:

[insert address]

Dear [insert name]

### Re: Complaint to AD Advisory Services Pty Ltd

We refer to your complaint dated [insert date].

We require the following additional information from you regarding your complaint: -

1. [insert additional information required]

Please provide your response within 7 days to ensure that we are able to respond to your complaint within the 30-day time period.

If you have any queries please contact our Complaints Officer on [insert relevant details] or myself directly.

Yours sincerely

[NAME]

Compliance Manager  
AD Advisory Services Pty Ltd

**Appendix 6 – Letter to complainant providing list of remedies EXAMPLE**

[User Note: This is an example document, including but not necessarily limited to, matters that relate to providing remedies in relation to a complaint. It is not necessarily definitive or tailored for your use. Modify, as with all templates, for your specific business use. Also, look out for ASIC and other industry bodies requirements and updates, basis Codes and other Regulations or Legislation changes that occur from time to time. Delete this user note, once you have tailored the document for your specific use.]

**Attention:**

[insert address]

Dear [insert name]

**Re: Complaint to AD Advisory Services Pty Ltd**

We refer to your complaint dated [insert date].

As you are aware AD Advisory Services Pty Ltd is always concerned by any expression of dissatisfaction by a client.

In order to address your concerns we propose the following [insert remedy option e.g.: apology, refund, compensation etc]

If we do not receive a response from you within 7 days to the contrary we will assume that our proposal is acceptable to you.

If you have any queries please contact our Complaints Officer on [insert relevant details] or myself directly.

Yours sincerely,

[NAME]

Compliance Manager  
AD Advisory Services Pty Ltd



**Appendix 7 – EXAMPLE of Final Letter and mandatory AFCA content**

[User Note: This is an example document, including but not necessarily limited to, matters that relate to final letter and providing AFCA details in relation to a complaint. It is not necessarily definitive or tailored for your use.]

**Check AFCA's guidance for any updates or required content prior to use**

Modify, as with all templates, for your specific business use. Also, look out for ASIC and other industry bodies requirements and updates, basis Codes and other Regulations or Legislation changes that occur from time to time. Delete this user note, once you have tailored the document for your specific use.]

**Attention:**

[insert address]

Dear [insert name]

**Re: Complaint to AD Advisory Services Pty Ltd**

We refer to your complaint dated [insert date].

As you are aware AD Advisory Services Pty Ltd is always concerned by any expression of dissatisfaction by a client.

**INSERT APPLICABLE TEXT**

Our internal dispute resolution process has finished. If you are not satisfied with our final response, you may lodge a complaint with the Australian Financial Complaints Authority (AFCA):

Website: [www.afca.org.au](http://www.afca.org.au)

Email: [info@afca.org.au](mailto:info@afca.org.au)

Phone: 1800 931 678 (free call) or (+61 1800 931 678 if calling from overseas)

In writing to: Australian Financial Complaints Authority  
GPO Box 3, Melbourne VIC 3001

Time limits may apply to complain to AFCA and so you should act promptly or otherwise consult the AFCA website to find out if or when the time limit relevant to your circumstances expires.

Yours sincerely,

[NAME]

Compliance Manager  
AD Advisory Services Pty Ltd