

# Dispute resolution and complaints handling plan

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## Interpretation and overview of DCS

The methodology set out in the Australian Standard on Complaints Handling (AS 4269-1995) has been used as a benchmark in preparing this DCP and may be used to assist in monitoring and implementing DCP procedures and processes. Broadly, Sewells Finance Ltd DCS is based upon the following key themes:

- early resolution;
- accurate communication;
- simplicity;
- easy access;
- efficiency;
- equity; and
- organisational commitment.

## Investigating Complaints

The Complaints Officer will be primarily responsible for investigating complaints.

However, the board of directors will appoint a director to investigate any complaint which:

- relates to the conduct of the Complaints Officer; or
- the Complaints Officer believes has the potential to involve monetary compensation by the company.

The Complaints Officer shall make all reasonable attempts to obtain all relevant information about the complaint. The Complaints Officer will obtain a report from any staff member who has had any material involvement in the subject matter of the complaint.

The Complaints Officer should handle all complaints from the time of receipt. File notes should be taken of all meetings and conversations with the client and if possible, the client should be asked to sign the file notes to confirm they contain a complete and accurate record of the complaint and subsequent negotiations.

## Responding to Complaints

### Determination by the Complaints Investigator

The complaints investigator shall decide whether to:

- (a) accept the complaint and to offer redress;
- (b) offer redress without accepting the complaint; or
- (c) reject the complaint.

In arriving at his or her decision the complaints investigator shall take into account any applicable provisions in relevant legislation and any previous decisions made by the company's complaints investigators in similar situations.

In the event that the complaints investigator decides to reject a complaint he or she shall provide the complainant with written reasons for doing so. The complaints investigator shall ensure that these reasons address all the issues raised by the complainant.

Regardless of the decision, the Complaints Officer must:

- within 7 Business Days after receiving a complaint, reply to the client in writing acknowledging receipt of the complaint;
- take action on the complaint; and
- within 45 Business Days after receiving the complaint, report to the client in writing on the outcome of the Complaints Officers action on the complaint.

The action taken by the Complaints Officer on the complaint might include:

- (a) obtaining further information from the client making the complaint;
- (b) investigating the circumstances of the complaint;
- (c) obtaining information from any officer or employee of Sewells Finance Ltd to whom the complaint relates; and
- (d) attempting to mediate a resolution of the complaint.

## Responsiveness

### Response Times

Sewells Finance Ltd endeavours to respond to complaints as soon as possible. To ensure that Sewells Finance Ltd is responsive to any complaints or disputes that may arise from a retail client, Sewells Finance Ltd has established time limits (**Response Times**) regarding the processing and resolution of such complaints or disputes through the DCS. Complaints are to be responded to within 45 days after receipt.

Sewells Finance Ltd may vary response times from time to time in accordance with industry standards. Upon a complaint from a retail client, Sewells Finance Ltd must inform the retail client of the response times relevant to their complaint.

ASIC considers that Sewells Finance Ltd should substantially respond to a complaint within 45 days, but in a shorter period if possible. If for some reason a response can not be provided within 45 days, the Complaints Officer will inform the complainant of the reasons for the delay and of their right to refer the matter to the relevant EDR scheme.

By 'substantially responding' to a complaint, ASIC means that the Company must:

- accept the complaint and where appropriate offer redress; or
- offer redress without accepting the complaint; or
- reject the complaint with reasons.

It is important that consumers are kept informed of the progress of their complaints. If Sewells Finance Ltd is unable to substantially respond to the complaint, a holding response is sent to the complainant to explain why we are not in a position to respond and includes an indication of when a further response will be made.

## Unresolved disputes

### Referring unresolved disputes to external dispute resolution schemes

If the client is not satisfied that the complaint has been resolved, is not satisfied with Sewells Finance Ltd response, or the complaint is not responded to within 45 days, the client may:

- (a) Refer the complaint to an External Dispute Resolution Scheme - Should complainants want to refer the complaint directly to an EDRS, the Complaints Officer will provide them with the relevant contact details; or
- (b) take whatever action is open to the client under the general law.

The complaint can be referred by giving written notice to Sewells Finance Ltd within 30 days after being given the report on the outcome of the Complaints Officers action on the complaint.

### Membership of external dispute resolution schemes

Where the licensee provides financial services to retail clients, the licensee must be a member of one or more External Dispute Resolution Schemes (EDRS) which covers, or together cover, complaints made by retail clients in relation to the provision of financial services authorised by the financial services licence.

Sewells Finance Ltd is a member of the following external dispute resolution schemes that have been approved by the ASIC:

### Financial Industry Complaints Service Ltd (FICS)

Where the licensee ceases to be a member of any EDRS, Sewells Finance Ltd will notify ASIC in writing within 3 business days:

- (a) The date the licensee ceases membership of the EDRS(s);
- (b) The reasons the licensee's membership of the EDRS has ceased (including circumstances where the EDRS is no longer operating, failure by the licensee to renew their membership of the EDRS or where the EDRS has terminated the licensee's membership of the EDRS);
- (c) Details of the new EDRS the licensee intends to or has joined (including the date the membership commences and the name of the EDRS); and
- (d) Details that provide confirmation that the licensee is covered by EDRS covering complaints made by retail clients in relation to the provision of all the financial services authorised by the licence.

## Organisational commitment

The Board considers that commitment to the DCS can be achieved by:

- sending a clear message to all staff and relevant people of the Company's commitment to a positive complaints culture
- the appointment of a Compliance Officer responsible for ensuring compliance with all conditions of the Company's AFS licence and the Corporations Act;
- the adoption of procedures and processes in relation to the DCS, in accordance with this Compliance Program;
- the implementation of review procedures for management reporting; and

- the implementation of maintenance procedures (including education and training programs) to ensure that this Complaints Program conforms with current legislative requirements and does not become out of date.

## Reporting

The Complaints Officer will provide a written report to the board of directors on a monthly basis describing the complaints that have been received during the quarter. The report will include the following details:

- (i) complaints received during the quarter
- (ii) how many complaints have been resolved and how many remain unresolved;
- (iii) summary of terms upon which any complaints have been resolved; and
- (iv) details of any complaints which are being dealt by FICS.

## Review

The Compliance Officer will review the DCS annually and provide a written report to the Board of Directors about whether any alterations or modifications should be made to the procedures.

## Financial Ombudsman Service

Financial Ombudsman Service Membership Team  
GPO Box 3  
MELBOURNE VIC 3001

Facsimile: (03) 9613 6399  
E-mail: [membership@fos.org.au](mailto:membership@fos.org.au)



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# Certificate of Membership

Sewells Finance Ltd

is a member of

**FINANCIAL OMBUDSMAN SERVICE LIMITED**

ABN 67 131 124 448

Member number: 11485

Valid to: 30/06/2012

*Shane Tregillis*

**Shane Tregillis**

Chief Ombudsman

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