

Internal Dispute Resolution Procedures
AgriWealth Capital Limited

RETAIL CLIENTS

August 2013

Table of Contents

- 1 Procedures**
 - 1.1 What do these procedures apply to?
 - 1.2 Who is a 'retail client'?
 - 1.3 Legal matters
 - 1.4 Personnel
 - 1.5 Tailored ISR procedures

- 2 Summary of Process**
 - 2.1 Summary of IDR Procedures

- 3 Receiving the Complaint**
 - 3.1 Objective
 - 3.2 What is a complaint?
 - 3.3 When does a complaint arise?
 - 3.4 Who sends ACL the complaint?
 - 3.5 What do you do when you receive a complaint?
 - 3.5.1 Oral Complaint
 - 3.5.2 Written Complaint
 - 3.6 Complaints to be placed in Complaints Register

- 4 Reviews and Assessment of Complaint**
 - 4.1 Objective
 - 4.2 Responding to the Complainant
 - 4.3 Preparing a response to the Complaint
 - 4.4 Sending the response to the Complainant
 - 4.5 Where the client does not accept the proposal
 - 4.6 Where no resolution to the complaint can be reached
 - 4.7 No charge to clients
 - 4.8 How to access an EDR scheme

- 5 Responsibilities of the Complaints Officer**
 - 5.1 Responsibilities of Complaints Officer
 - 5.2 Complaints Officer to be accessible

- 6 Systematic and Recurring Complaints**
 - 6.1 Objective
 - 6.2 Quarterly Report to be prepared
 - 6.3 Agenda
 - 6.4 Minutes

Appendix 1 - Complaints Summary Report

Appendix 2 – Who is a retail client?

1. IDR Procedures

1. Introduction

1.1 What do these procedures apply to?

These procedures apply to complaints made by retail clients in relation to the business conducted by Agriwealth Capital Limited (**ACL**).

Under ASIC Regulatory Guide 165: Licensing: Internal and external dispute resolution, ASIC must take into account, as required by Corporations Regs 7.6.02(1) and 7.9.77(1), AS ISO 10002-2006 *Customer satisfaction – Guidelines for complaints handling in organisations* and any other matter that it considers relevant to an internal dispute resolution.

Where relevant, the AS ISO standards have been incorporated into these procedures.

1.2 Who is a retail client?

See Appendix 2 for definition of 'retail client'.

Note that whilst ACL is authorised under its AFSL to carry on a financial services business to retail clients as well as wholesale clients and to operate its registered forestry schemes for retail and wholesale clients, it is ACL's intention to provide those services or operate those schemes predominantly to wholesale clients. See ACL's IDR procedures for wholesale clients

1.3 Legal matters

Some complaints may create a legal or regulatory obligation that may affect ACL. Where the Complaints Officer believes that a legal or regulatory obligation may have arisen the Complaints Officer will forward a copy of the complaint to the Compliance Committee.

1.4 Personnel

The Complaints Officer will be responsible for handling all complaints in accordance with these procedures. Any queries should be directed to the Complaints Officer.

1.5 Tailored IDR procedures

ACL has taken into account the type of business that it conducts; the size of its business; its past history in relation to complaints and the nature of its client base when drafting and reviewing these procedures.

2. Summary of IDR Procedures

This is a summary only and is not a substitute for having read and understood the procedures in their entirety. It is the responsibility of the relevant employee to ensure that the procedures are followed.

Steps	Details	To Be Completed By
Step 1	Where complaint made over telephone - determine whether telephone call is complaint or enquiry - if complaint then complete Complaints Summary Report (CSR) immediately (within 24 hours)	Complaints Officer
	Where complaint is made in writing from client complete CSR immediately (within 24 hours)	Complaints Officer
Step 2	Log complaint in complaints register	Complaints Officer
Step 3	Within 2 business days of receiving complaint send letter of acknowledgment to client	Complaints Officer
Step 4	Where possible breach of law/regulation/system involved send copy of complaint letter and/or CSR form to Compliance Committee	Complaints Officer
Step 5	Prepare draft letter to client	Compliance Committee
Step 6	Send letter to client	Compliance Committee
Step 8	If complaint resolved close file; or If client rejects the letter send Response Letter to client and obtain legal signoff (if applicable)	Complaints Officer Legal
Step 9	Prepare quarterly summary of complaints for Compliance Committee Meetings	Complaints Officer
Step 10	Conduct yearly review of complaints and review procedures for updating as required	Complaints Officer

3. Receiving the Complaint

3.1 Objective

The objective of internal dispute resolution procedures is to resolve complaints as quickly as possible in a manner that is fair and equitable to the person who is complaining.

3.2 What is a Complaint?

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

3.3 When does a complaint arise?

A complaint may arise where a retail client of ACL complains about the conduct of ACL or one of its employees and it involves:

- potential litigation
- potential breach of legislation or regulatory guide;
- any situation where a client has indicated dissatisfaction with the products or services offered or provided by ACL or these IDR procedures themselves which may highlight an underlying structural or organizational deficiency.

3.4 Who sends ACL the complaint?

Generally the retail client will complain directly to ACL. ACL will not act on a complaint unless it is in writing.

3.5 What do you do when you receive a complaint?

3.5.1 Oral complaint

Where the complaint is received orally the employee must:

- discuss the oral conversation with the Complaints Officer to determine whether it is a complaint or enquiry; and
- if it is a complaint, complete a complaint summary report (**CSR**) **immediately** (within 24 hours) detailing the client's complaint and the circumstances known to the ACL surrounding the complaint.

Under no circumstances should the staff member or Complaints Officer make any comment as to a proposed settlement of the complaint or which party may be liable for any loss caused as a result of the complaint.

The staff member or Complaints Officer should remain courteous at all times and listen carefully to the information being provided to enable them to adequately complete the CSR.

3.5.2 Written Complaint

Where the complaint is received in writing it must be forwarded **immediately (within 24 hours)** to the Complaints Officer who will complete a CSR detailing the client's complaint.

3.6 Complaint to be placed in Complaints Register

The Complaints Officer must place details of all complaint in the complaints register.

4. Review and Assessment of Complaint

4.1 Objective

The objective of the review process is to ensure that all relevant material relating to a complaint is obtained and reviewed and that the person complaining is advised about the progress of the complaint and the decision made by ACL in relation to the complaint in a timely manner.

4.2 Responding to the Complainant

Immediately, but no later than two business days of receipt (depending on the degree of urgency of the complaint) of a retail client's complaint the Complaints Officer must send a letter acknowledging receipt of the complaint, to the retail client in the form set out in Appendix 3.

4.3 Preparing a response to the complaint

4.3.1. The Complaints Officer must obtain all relevant material to enable them to review and assess the complaint.

4.3.2. Following the review and assessment the Complaints Officer must:

- prepare a letter (**Draft Letter**) to send to the client outlining the proposed course of action or settlement of the complaint; and
- where the Complaints Officer believes that the complaint may give rise to a legal or regulatory breach send a copy of the Draft Letter to the Compliance Committee for comments and approval.

4.4. Sending the response to the complainant

4.4.1 Not later than 14 business days after receipt of the complaint and following signing and where applicable approval from the Compliance Committee of the Draft Letter, the Complaints Officer must forward the letter (**the Letter**) to the Complainant.

4.4.2 If the Complaints Officer is unable to prepare the Letter within 14 business days, the Complaints Officer must send the Response Letter attached in Appendix 4 to the complainant and send the Letter as soon as possible thereafter.

4.5 Where the client does not accept the proposal

4.5.1 Where the client advises ACL that they will not accept the proposal outlined in the Letter ACL will consider the comments of the client and conduct a further review and assessment of the complaint.

4.5.2 ACL will offer, in writing an alternative proposal to the client to settle the complaint.

4.6 Where no resolution of the complaint can be reached

4.6.1 Where the client does not accept an alternative proposal or in any event, ACL is required, under ASIC RG 165, to make a 'final response' within 45 days by writing to the complainant informing them:

- the final outcome of their complaint;
- their right to take their complaint to EDR; and
- the name and contact details of the EDR scheme to which the complainant can take their response.

4.6.2 The Complaints Officer does not need to provide a final response:

- when the complaint is resolved to the complainant's complete satisfaction by the end of the 5th business day after the complaint was received; and
 - the complainant has not requested a response in writing
- 4.6.3 If unable to make the final response within that 45 day period (or any shorter timeframe required by law), the Complaints Officer must, before the end of that period:
- inform the complainant of the reasons for the delay;
 - advise the complainant of their right to complain to EDR; and
 - provide the complainant with the name and contact details of the EDR scheme.
- 4.7 No charge to clients**
- 4.7.1 ACL will deal with all complaints free of charge.
- 4.8 How to access an EDR scheme**
- 4.8.1 The complainant can access an EDR scheme at www.fos.org.au or they can be reached by calling 1300 780 808. For further information see [ASIC Information Sheet 176 What to do if you are unhappy with a scheme decision](#)

5. Responsibilities of the Complaints Officer

5.1 Responsibilities

The Complaints Officer is responsible for

- promoting the IDR procedures;
- collecting data and maintaining a complaints register
- liaising with the ACL in relation to ACL's compliance plan where it concerns complaints;
- providing staff training on the IDR procedures;
- ensuring timely response to the client for all complaints;
- reporting complaints to the Compliance Committee (as applicable).

5.2 Complaints Officer to be accessible

The Complaints Officer is required to:

- make available to any complainant information on ACL's IDR procedures;
- ensure that the complaints handling procedures are available on ACL's website; and
- detail the means by which the complainant may communicate their complaint to ACL.

6. Systematic and recurring complaints

6.1 Objective

The objective is to identify repetitive complaints that may indicate a systematic or recurring problem with the product or service offered or provided to the client or ACL's internal procedures relating to recording of client information.

6.2 Quarterly Report to be prepared

If any complaints have been made, the Complaints Officer will prepare a report to be tabled at the next Compliance Committee meeting setting out:

- the nature of all complaints received for the previous quarter;
- whether they have been resolved and reasons for those still unresolved;
- whether they are of a serious or minor nature;
- whether they raise a systematic or recurring problem and if so, provide suggestions for removing the problem; and
- whether they involve any possible legal or regulatory matter.

6.3 Agenda

The complaints register is to be included as a standing agenda item for each Compliance Committee meeting.

6.4 Minutes

The minutes of the Compliance Committee must include a summary of any complaints outlined in the report (unless no complaints have been made) and what action, if any, is required to be taken and the date when the required action must be completed by.

At each subsequent Compliance Committee meeting the Compliance Committee will review whether the required action has been completed by the requisite date. If it has not, the Compliance Committee must recommend appropriate follow up action.

Action	Signature and Date
CSR received/completed	ō
Log complaint into complaints register:	ō
Within 2 business days of receiving complaint: either telephone client to resolve complaint or send Letter to client acknowledging receipt	ō
If resolved within 5 business days close file	ō
If applicable, copy of CSR and complaint (if written) to:	
Compliance Committee	ō

Investigate and report findings to Compliance Committee	ō
Prepare draft response:	ō
Approval and sign off received:	
Complaints Officer	ō
Legal (if applicable)	ō
Compliance Committee	ō
Send Letter to client if response cannot be completed within 14 days:	ō
Send Resolution letter to client	ō
Send Alternative Proposal letter to client	
Send Final Response letter to client if unable to resolve Complaint within 45 days	ō

Complaint resolved and file closed:

Complaints Officer

Date:

Appendix 2 – Who is a retail client?

Section 761 G of the Corporations Act defines a retail client. See attached.

It also includes a small business which is defined as a business employing fewer than:

- (a) 100 people (if the business manufactures goods or includes the manufacture of goods); or
- (b) 20 people (otherwise).