

Complaints & Internal Dispute Resolution (IDR) Management Policy

Australian Branch

AMENDMENT HISTORY

Document Control – Summary of Changes

The following changes have been made to this document:

Date	Version	Description of Change	Author
March 2009	Version 1.0	Initial Version	Paul Watkins -Stewart Title Limited – Australian Branch
May 2011	Version 2.0	Annual review. No changes	Andrew Kleiman – Senior Legal Counsel
November 2012	Version 3.0	Annual Review. No changes	Paul Watkins, General Counsel, Australia – Stewart Title Limited Australia Branch
December 2013	Version 4.0	Annual Review	Paul Watkins, General Counsel, Australia – Stewart Title Limited Australia Branch
November 2014	Version 5.0	Annual Review.	Paul Watkins, General Counsel, Australia – Stewart Title Limited Australia Branch
September 2015	Version 6.0	Annual Review	Paul Watkins, General Counsel, Australia – Stewart Title Limited Australia Branch
December 2016	Version 7.0	Annual Review	Paul Watkins, General Counsel, Australia – Stewart Title Limited Australia Branch
November 2017	Version 8.0	Annual Review- minor changes to reflect processes	
October 2018	Version 9.0	Annual Review	Paul Watkins, General Counsel Australia – Stewart Title Limited Australia Branch
October 2019	Version 10.0	Annual Review	Kathryn Hanlon, Legal Counsel.
December 2020	Version 11.0	Annual Review. No changes,	Kathryn Hanlon, Stewart Title Limited – Australian Branch
September 2021	Version 12.0	Update regarding ASIC RG 271	Paul Watkins, General Counsel, Australia

1. Introduction

This purpose of this Complaints & Internal Dispute Resolution (IDR) Management Policy (“**the Policy**”) is to establish procedures for handling and resolving customer complaints in an efficient, timely and effective manner by Stewart Title Australia (“**STA**”). This Policy has been established to promote STA’s core business objective of maintaining ‘magnificent customer service’ and to promote prudent risk management in accordance with the Australian Prudential Regulation Authority (“**APRA**”) *General Prudential Standard 220– Risk Management* and the Australian Security and Investment Commission (“**ASIC**”) *Regulatory Guide 165: Licensing: Internal and external dispute resolution* (for complaints before 5 October 2021) and *ASIC Regulatory Guide 271: Internal Dispute Resolution* (for complaints on or after 5 October 2021).

2 Scope

This Policy applies to any complaint received by STA which relates to STA’s business activities. What is a complaint? A “complaint” is defined in AS/NZS 10002-2014 as “**an expression of dissatisfaction made to an organisation, related to its products or services, or the complaints handling process itself, where a response or resolution is explicitly or implicitly expected or legally required**”.

A complaint should be considered as: “Any expression of dissatisfaction,” whether oral or written, and whether justified or not, from or on behalf of an insured or a proposed insured regarding the provision of STA’s services. A complaint may occur at any stage during the title insurance process, including during the policy ordering stage, after the policy is issued to the insured or whilst a claim is being handled.

STA should not categorise an expression of dissatisfaction that meets the definition of ‘complaint’ as ‘feedback’, an ‘inquiry’, a ‘comment’ or similar merely because:

- (a) the complainant expresses their dissatisfaction verbally;
- (b) STA considers that the matter does not have merit; or
- (c) a goodwill payment is made to the complainant to resolve the matter without any admission of error.

Please note: An objection to the determination of a claim by the insured should be dealt with by the claims department if the complaint relates to the manner in which the claims department has applied the facts to the assessment of the claim, interpretation of the policy wording or the assessment process.

Complaints relating to the conduct of the claims department, including lack of regular contact or reporting should be referred to the Primary Complaints Officer (PCO) and the Secondary Complaints Officer (SCO) in accordance with the procedures set out in this Policy and the Claims Manual. If there is any doubt as to whether the insured is making a complaint or objecting to the determination of a claim please refer the matter to the PCO or the SCO (Relevant Complaints Officer) for review before responding to the insured.

3. Complaints Procedure

3.1 Receiving Complaints

The complainant is not required to make the complaint in writing. Complaints can be made by any reasonable means including by letter, telephone, email or in person. Where a complaint is made by telephone or in person, the Relevant Complaints Officer will record the receipt of the complaint along with relevant details in the Complaint Register. Relevant details to be recorded include:

- a) Date and time of receipt of the complaint;
- b) Name and contact number of the complainant; and
- c) The nature and subject matter of the complaint.

3.2 Investigating Complaints

All complaints should be referred to the PCO. The Relevant Complaints Officer will acknowledge receipt of the complaint within **24 hours or 1 (one) business day, or as soon as practicable, after receiving it**, either verbally or in writing.

The PCO may direct the complaint to the SCO for investigation and response in the event that the PCO considers it reasonable to do so, for example where the substance of the complaint is in relation to the PCO or a determination of the PCO.

The Relevant Complaints Officer, together with the appropriate Department Manager (if applicable), will:

- investigate the complaint competently, diligently and impartially;
- assess fairly, consistently and promptly;
- assess whether the complaint is valid and should be upheld; and
- assess the appropriate remedial action or redress as may be appropriate.

Any remedial action or redress should be approved by the General Manager.

3.3 Acknowledgement Time Frame

Within **24 hours, or 1 (one) business day, or as soon as practicable, after receiving the complaint**, STA will communicate to the complainant to acknowledge receipt of the complaint and the action STA has taken or proposes to take and an expected time of resolution.

3.4 Response Time Frame

STA will provide a written response to the complaint within **30 calendar days** of STA receiving the complaint. The response will inform the complainant of the final outcome of the complaint, their right to take the complaint or dispute to AFCA, and the contact details of AFCA.

If STA rejects or partially rejects the complaint, the response will clearly set out the reasons for the decision by:

- (a) identifying and addressing the issues raised in the complaint;
- (b) setting out STA's findings on material questions of fact and referring to the information that supports those findings; and
- (c) providing enough detail for the complainant to understand the basis of the decision and to be fully informed when deciding whether to escalate the matter to AFCA or another forum.

The Relevant Complaints Officer will record the complaint on the **Complaint Register** and record the action that has been taken or is proposed to be taken and the expected time of resolution.

If the complaint is resolved to the satisfaction of the complainant within **5 business days** of when the complaint was first received by STA, then STA may not be required to provide a written IDR response.

However, **please note** STA will provide a written IDR response, even where the complaint is closed by the end of the fifth business day if:

- (a) the complainant requests a written response; and/or
- (b) the complaint is about:
 - (i) hardship;
 - (ii) a declined insurance claim; or
 - (iii) the value of an insurance claim

3.5 Complaint Management Delays

If STA is unable to respond to the complainant within 30 calendar days, then the complainant will be notified before the end of the 30 calendar days about:

- (a) The reason for the delay;
- (b) The complainant's right to complain to AFCA; and
- (c) The contact details for AFCA.

In order to justify a delay in notification there should be no reasonable opportunity for STA to provide the response within 30 days because:

- (a) resolution of the individual complaint is particularly complex; and/or
- (b) circumstances beyond STA's control are causing complaint management delays.

3.6 AFCA

In the event that a complaint cannot be successfully resolved under the Internal Dispute Resolution Process or the complaint cannot be resolved within the appropriate time limit, STA will inform the complainant that the complainant has a right to pursue the complaint with AFCA. STA will provide the complainant with details about how to access AFCA, including the name, contact number, and website address of AFCA.

Contact details for AFCA are as follows:

Contact number: 1800 931 678
Website: www.afca.org.au

STA will maintain a record of all matters referred to AFCA. At the very least, the report will set out:

- a) New complaints received in the past month and their progress towards resolution;
- b) Existing complaints currently being handled in the IDR process and their progress towards resolution; and
- c) Complaints which have been referred to AFCA and the amount of case fees payable to date for those cases.

3.7 Maintaining AFCA membership

The General Counsel, Australia will ensure the successful renewal of STA's membership with AFCA scheme on a yearly basis unless otherwise notified by the General Manager. STA will not terminate its AFCA membership without informing ASIC.

STA will inform ASIC of:

- a) Non-compliance with the AFCA scheme;
- b) Intention to cancel the AFCA membership; and
- c) Systemic issues and serious misconduct (unless STA is notified by AFCA that AFCA has or will report such matters to ASIC).

4. Availability of IDR to Consumers

STA's Complaints Handling and IDR process will be made available on its website. This process is free of charge and should be made easily accessible to consumers.

5. Current Complaints Contacts

Primary Complaints Officer (PCO) – Rod Cameron, Senior Legal Counsel

(02) 9081 6264

Rod.Cameron@stewart.com

Secondary Complaints Officer (SCO) – Paul Watkins, General Counsel

(02) 9081 6213

Paul.Watkins@stewart.com