



# **Linx Finance Australia Pty Ltd**

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**Consumer Credit Licensing**

**Dispute Resolution Processes**

**November 2018**

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## 1.1 SUMMARY OF POLICY

Our business is committed to excellent customer service and the resolution of any concerns or complaints quickly, fairly and efficiently. To ensure our scheme is compliant with ASIC requirements we use an IDR process that has been vetted by relevant industry bodies (MFAA & supplied by CAFBA).

- We welcome complaints as a positive means of reviewing and improving our customer services. All complainants will be treated with respect, courtesy and consideration.
- Our internal dispute resolution scheme is open to anyone who deals with us: customers, dealers, lenders, other brokers, contractors or any other person.
- All representatives are expected to inform complainants about our IDR/EDR processes as soon as they become aware of a concern, to give high priority to resolving complaints quickly and to assist any complainant through the process.
- The Responsible Manager will manage complaints.
- Our Internal Dispute Resolution Manual complies with ASIC's requirements and details how we manage and report complaints.
- We are a member of the Australian Financial Complaints Authority Limited (AFCA) Member 53027 External Dispute Resolution (EDR) Scheme, as approved by ASIC. We accept EDR scheme decisions and implement their recommendations as soon as we are informed of them.
- The Responsible Manager holds information on complaint statistics and any associated compliance breaches.
- We will report to ASIC annually any compliance breaches indicated through the complaints process and the policies and procedures subsequently implemented to ensure there is no reL occurrence.

## 2.1 IDR PROCEDURES

### Receiving complaints

Complaints can be lodged by contacting Glenn Mellis, the Complaints Officer by:

- telephoning 03 9857 0633 or 0410 697 754
- emailing [glenn@linxfinance.com.au](mailto:glenn@linxfinance.com.au)
- writing to Linx Finance Australia Pty Ltd, PO Box 3022, Auburn, VIC, 3123

or by speaking to any representative of our business who will refer complainants to the Complaints Officer.

We adopt the definition of '**complaint**' in AS ISO 10002-2006, namely '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'. This means we will treat informal complaints seriously and refer them to IDR unless they are resolved by the end of the next business day.

Any complaint which is resolved to the customer's satisfaction by the end of the next business day (starting from when the complaint was received) will not require the full IDR process to be applied. There is no need to capture and record the complaint or respond as set out below.

### Investigating complaints

The Complaints Officer will review the complaint carefully and promptly, taking such steps and reviewing such documents as a reasonable person would do.

### Responding to complaints within appropriate time limits and referring unresolved complaints to an EDR scheme

The Complaints Officer will provide a written '**final response**' to the complainant within 45 days (21 days where the complaint relates to default), which states:

- the final outcome of the dispute at IDR
- the right to take their dispute to EDR (no matter what the result of the investigation was at IDR)
- the name and contact details of our EDR scheme.

If the Complaints Officer is unable to give a final response within the specified period, the Complaints Officer will, before the end of the period:

- inform the complainant of the reasons for the delay
- advise the complainant of their right to complain to EDR
- provide the complainant with the name and contact details of our EDR scheme.

The NCC allows credit providers 21 days to consider hardship and postponement applications. At the end of that period, if there is no agreement, there will be no further time to handle the dispute at IDR, and the complainant must be referred to EDR.

When deciding about hardship or postponement applications, the Complaints Officer will give EDR contact details when:

- advising whether the claim has been agreed to; or
- the notification of variation to the credit contract is given within 30 days after the variation is agreed.

The complainant can go direct to EDR regarding disputes involving hardship or postponement which also involve issues with default notices.

### Legal proceedings

Unless the statute of limitations is about to expire, legal proceedings will not be commenced or continued nor will any other enforcement action be taken during the IDR period and for at least 14 days from giving a final response.

## 3.1 RECORDING COMPLAINTS, IDENTIFYING & RECORDING SYSTEMIC ISSUES

We will record information in the following tabular form, this is held within our directory:-

G:\Linxsriver\Linx – National Consumer Credit Protection\Internal Dispute Resolution.xls

<b>Date of Complaint &amp; Reference</b>	<b>Name of Complainant</b>	<b>Type</b> (e.g., rates too high; didn't disclose all fees; didn't return calls)	<b>Acknowledged receipt on ...</b>	<b>Result of investigation</b> (e.g., our mistake; client mistaken; to EDR for resolution)	<b>Complainant advised/Date</b> (Phone; Fax; Email ;Letter) <b>NB:</b> keep copy of notification on file:
1 July 2010 Complaint # 001	Fred Bloggs	"Didn't return my calls in time" via email at 5.07pm on 1 July	Emailed Mr Bloggs dated 1 July 2010	Our mistake: resolved the following day by return email	2 July at 10.10am. Copy of email on client file # 7631

If the complaint discloses a systemic issue, the Complaints Officer/Responsible Manager will immediately bring the matter to the attention of the Managing Director.

### The types of remedies available for resolving complaints or disputes

If a complaint is justified, the Complaints Officer will recommend a solution comprising one or more of the following:

- an apology
- compensation
- vary contractual obligations
- a free service.

#### **Internal structures and reporting requirements.**

The Complaints Officer reports directly to the business owners. The Complaints Officer will make a written report annually as a minimum. The Complaints Officer will ensure that these procedures are reviewed at least annually and a report on the review provided to the business owners.

#### **Guiding Principles**

- **Visibility** – We will take reasonable steps to ensure customers know about the existence of our IDR procedures and how to make a complaint or apply for hardship or postponement. This information will be readily available, not just at the time a consumer wishes to make a complaint or dispute. All staff who deal with customers, not just complaints or disputes handling staff only, should have an understanding of our IDR procedures.
- **Objectivity** – We will address each complaint in an equitable and objective manner. Where possible, the complaint should be investigated by staff not involved in the subject matter of the complaint.
- **Charges** – The IDR procedures are free of charge.
- **Confidentiality** – We will keep information confidential.
- **Customer focused approach** – We will be helpful, user friendly and communicate in plain English, showing our commitment to resolving complaints.
- **Commitment** – We are actively committed to efficient complaint handling. Our procedures are published on our website.
- **Analysis and Evaluation of Complaints** – All complaints will be classified and then analysed to identify systemic recurring and single incident problems and trends.

## 4.1 VISIBILITY OF IDR POLICY

Linx Finance Australia Pty Ltd will ensure that the IDR process is recorded on our Website ([www.linxaustraliagroup.com.au](http://www.linxaustraliagroup.com.au)).

We will also ensure that any ACR's document and provide these details to their clients. Their disclosure documents will be required to detail that they:-

- Are an authorized Credit Representative of Linx Finance Australia Pty Ltd
- That they abide by the Internal Dispute Resolution Procedures of Linx Finance Australia Pty Ltd
- Linx Finance Australia Pty Ltd's ACL Number
- Linx Finance Australia Pty Ltd AFCA Membership Number 53027
- The Authorised Credit Representatives (ACR) Number
- The Authorised Credit Representatives AFCA Membership Number

### EXAMPLE IDR EXTERNAL INFORMATION.

**This IDR service is provided free of charge to you**

#### **Linx Finance Australia Pty Ltd ACN 086 431 629**

Linx Finance Australia Pty Ltd believe that it is essential for our customers to be able to identify and deal with a broker who has the ability, authority and proper training to hear and respond appropriately to any complaints or disputes.

It is a requirement under the National Consumer Credit Protection Act 2009 that we have in place an Internal Dispute Resolution procedure.

#### **Receiving complaints**

You can lodge complaints by contacting Glenn Mellis, the Complaints Officer by:

- telephoning 03 9857 0633 or 0410 697 754
- emailing [glenn@linxfinance.com.au](mailto:glenn@linxfinance.com.au)
- writing to Linx Finance Australia Pty Ltd, PO Box 3022, Auburn, VIC, 3123

or by speaking to any representative of our business who will refer you to the Complaints Officer.

You should explain the details of your complaint as clearly as you can. You may do this verbally or in writing.

When we receive a complaint, we will attempt to resolve it promptly. We hope that in this way we will stop any unnecessary and inappropriate escalation of minor complaints.

We will observe the following principles in handling your complaint:

1. there is no requirement for face-to-face contact between you and us, although it may be useful for us to come to a satisfactory resolution;
2. we expect that both parties will make a genuine attempt to resolve a complaint promptly;
3. we expect that both parties will provide all essential and relevant information, documents, written statements and any other materials that may properly and reasonably be believed to assist in resolving the complaint;
4. we expect that both parties will comply with all reasonable requests from the other party to provide information within a reasonable time frame.

**Our external dispute resolution scheme**

If we do not reach agreement on your complaint, you may refer the complaint to an ASIC Approved External Dispute Resolution (EDR) Scheme. Our external dispute resolution provider is AFCA (Australian Financial Complaints Authority Limited) phone 1300 56 55 22, [www.afca.org.au](http://www.afca.org.au)

External dispute resolution is a free service established to provide you with an independent mechanism to resolve specific complaints.