

Superannuation complaints

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This document has been prepared to assist financial firms in preparing a quality external dispute resolution (EDR) response for complaints that come under the definition of a superannuation complaint in the AFCA rules. This is a **guide only**.

It is important to note the following:

- All issues raised in a complaint should be addressed. If there are multiple issues, please refer to the additional EDR response templates available or consider addressing them in a separate section, as it is important that all issues are addressed.
- This is your EDR response. As such it is to be sent to both AFCA and the complainant(s). It is to the benefit of all parties for the complainant(s) to understand the reason for your position.
- You should also send your response to any joined parties to a complaint.
- AFCA will generally seek more information if a complaint does not resolve at Assisted or Automatic Registration & Referral. AFCA still expects a response to any subsequent requests for information.
- This guide may change over the time to reflect any feedback.

To ensure a comprehensive response for a complaint falling within AFCA's Superannuation Complaint jurisdiction, an EDR response should include the sections outlined below.

Complaint summary

Complaint details	
Financial firm name	
Financial firm reference	
Complainant name	
AFCA reference	

Complainant's position

[Outline the financial firm's understanding of the complainant's position.

Include necessary background information including (but not limited to) the factual context for the complaint.]

Financial firm's position

Briefly outline the financial firm's position in relation to each of the complainant's issues.

If the financial firm has taken steps to attempt to resolve include details of these steps and any settlement offer made

Financial firm's reasons for position

Outline the basis on which the trustee decision is considered fair and reasonable in the circumstances, with reference to the trust deed and any legislative obligations.

It is important you consider the financial firm's obligations and whether they have been met and explain how they have been met.

Jurisdictional issues?

Include the details of any jurisdictional issues the financial firm wishes to raise. Ensure you refer to the AFCA Operational Guidelines and any relevant approach documents. This includes any precondition time limits that you think may exclude the complaint from AFCA's jurisdiction.

Full details of the section of the AFCA Rules must be included to ensure that AFCA and the complainant understand the jurisdictional issue(s) being raised.

Proposals to resolve the complaint

If applicable, set out any action the financial firm is willing to take/accept to resolve the complaint.

[If you require further information before the financial firm can offer a resolution, please provide details of what information is required].

Supporting information

Provide information to support the financial firm's position. This will vary depending on the subject matter but generally **all complaints** should include:

- The date the Member joined the Fund and a copy of any application form completed by the Member;

- The Member's category of membership;
- Copy of the Product Disclosure Statement (and any significant event notices) given to the Member;
- The date of the relevant Trust Deed identifying the provisions relied upon in making the decision;
- Copy of the relevant Trust Deed (applicable at the time the decision, act or omission being complained about occurred); and
- Copy of any correspondence sent by the member in relation to the subject matter of the complaint.

For Death Benefit complaints include:

- Amount of the death benefit (including any insured component received)
- A copy of the deceased member's nomination of beneficiary form (if any) and whether it is a binding or non-binding nomination
- Trustee minutes/Claims Committee minutes and any reports or recommendations relied upon in making a decision
- All documentation received from potential beneficiaries
- Birth death and marriage certificates
- Will, Grant of Probate or Letters of Administration (if held)
- Copies of all notices and letters issued to potential beneficiaries, including reasons provided for the decision

For Disability Benefit complaints include:

- Amount of the disability benefit (including any insured component payable);
- Date Member ceased employment (if applicable);
- A copy of the insurance policy in effect as at the date of disablement and date of ceasing employment (if different);
- Copy of member's claim form;
- Copies of all medical and occupational reports the insurer and/or trustee relied on in making their decision;
- Copies of any other reports or recommendations the trustee relied on in making its decision;
- Copies of any correspondence with the insurer in relation to the claim;
- Copies of any correspondence with the member (or the member's agent) in relation to the claim;
- Trustee minutes/ Claims Committee minutes
- Detailed reasons for the decision to decline the claim.

For default insurance complaints include:

- Welcome pack/letter and its contents (PDS, insurance guide, etc)
- Details of how the Trustee considers it disclosed to the complainant the ability to 'opt out' of default insurance
- Copies of each annual statement issued from account commencement to current date and highlighting where insurance premiums were disclosed
- If the complainant disputes receipt of a relevant document (such as a welcome letter/pack product disclosure statement, significant events notice), provide dispatch confirmation. This will need to include:
 - > a copy of any record held by the trustee showing the document(s) was sent and the date the document(s) was sent.
 - > If sent by a mailing house agent, records from the mailing house agent to confirm the document(s) was successfully issued by it
 - > information to show that the address the document(s) were sent to was identified in trustee's records as the last known address of the complainant
 - > confirmation that the document was not returned to the trustee
- List of addresses (postal and email) held on file from account commencement to current date
- Details as to whether the complainant sought to cancel the default insurance. If so, on what date(s) and confirmation the trustee acted on those instructions

Other resources

If other issues are raised, we offer a range of resources in the member resources section of the Secure Services portal. These include other EDR response guides, specific complaint topic guides and the Complaint Information Documentation guide.