

## Summary of Dispute Resolution Procedure

### December 2007

#### 1. Introduction

If a member, beneficiary or former beneficiary of the Catholic Superannuation Fund (“**the Fund**”) has an enquiry or complaint concerning the operation or management of the Fund, the member, beneficiary or former beneficiary is entitled to have their enquiry or complaint dealt with by CSF Pty Limited (“**the Trustee**”) under the Trustee’s *Dispute Resolution Procedure*. This procedure forms part of the Trustee’s *Compliance Policy*.

The *Dispute Resolution Procedure* aims to:

- Resolve complaints promptly, efficiently and impartially;
- Identify and resolve any systemic problems to avoid a recurrence in the future; and
- Comply with legal requirements.

The term “dispute” is sometimes used to refer to complaints which cannot be resolved. For the purposes of this procedure, the terms “dispute” and “complaint” are used interchangeably.

The *Dispute Resolution Procedure* consists of an internal procedure (maintained by the Fund’s Administrator and the Trustee) and an external facility, the Superannuation Complaints Tribunal (“**the SCT**”). It incorporates appropriate consideration of ASIC Regulatory Guide 165: Licensing – Internal & External Dispute Resolution.

In most cases, complaints will be resolved by the Administrator, without the need for direct Trustee involvement. Where practicable and appropriate, complaints will be investigated using staff independent of those to whom the complaint relates.

Information about complainants and their complaints must be treated as confidential. In reviewing and dealing with an enquiry or complaint, the *Privacy Act 1988* and the Fund’s *Privacy Policy* must be followed at all times. Any breaches identified in following the *Dispute Resolution Procedure* should be addressed in line with the Trustee’s *Breach Register Procedures* and the *Breaches* section of the *Compliance Policy*.

The Administrator maintains an *Enquiries and Complaints Manual* on behalf of the Trustee and records all complaints received in relation to the Trustee or the Fund. As part of its monthly administration reporting to the Trustee, the Administrator reports on any complaints received, their progress and any resolutions made. On the Trustee’s side, the Manager maintains a *Complaints Register*. The monthly Administration Report and *Complaints Register* are tabled at each Trustee Board Meeting.

## 2. Making an Enquiry

Enquiries may be made in person, by telephone, in writing or by email to the Trustee. In the first instance, enquiries should be referred to the Administrator which acts on behalf of the Trustee:

Catholic Superannuation Fund  
GPO Box 2163  
MELBOURNE VIC 3001  
Telephone: 1300 550 273  
Fax: 03 9648 4720  
Email: [info@csf.com.au](mailto:info@csf.com.au)

There is no prescribed form for making an enquiry. Simple enquiries made in person or by telephone may be answered on the spot. However, it may be requested that a complex or complicated enquiry be put in writing.

Upon receipt of an enquiry in writing, the Administrator will send a written acknowledgement of the enquiry which will either respond to the enquiry or indicate that the matter is being further considered.

If further consideration of the enquiry is required, a written response to the enquiry will be sent by a maximum of 90 days from the date of the enquiry.

If the member, beneficiary or former beneficiary is dissatisfied with the response received, they are entitled to make a formal complaint by following the procedure described in the *Dispute Resolution Procedure*.

### 3. Making a Complaint

In the first instance, complainants should refer any complaints to the Administrator which acts on behalf of the Trustee:

Catholic Superannuation Fund  
GPO Box 2163  
MELBOURNE VIC 3001  
Telephone: 1300 550 273  
Fax: 03 9648 4720  
Email: [info@csf.com.au](mailto:info@csf.com.au)

Complaints may also be referred to the Trustee directly:

The Manager  
Catholic Superannuation Fund  
PO Box 333  
COLLINS STREET WEST VIC 8007.

No fee will be applied to make a complaint. However, to avoid unreasonable costs to the Fund from frivolous or vexatious complainants, reasonable fees may be charged to provide large amounts of information, to cover time-consuming activities, or to provide information in printed format where it is reasonably accessible in electronic format.

Complaints should be made in writing, using the *Pro Forma Complaints Form* (set out in *Appendix E* of the *Dispute Resolution Procedure*) or using the Sample Letter which can be downloaded from the SCT Website ([www.sct.gov.au](http://www.sct.gov.au)).

The correspondence should state the nature of the complaint in detail and should include all relevant information and supporting documents that the complainant believes should be taken into account by the Administrator, Manager or the Trustee in considering the complaint.

Upon receipt of the complaint, the Administrator or Manager will acknowledge receipt of the complaint. The Administrator or Manager will investigate and respond to all complaints within 90 days of the date of receipt of the complaint. The complaint will either be dealt with by the Administrator (as the Trustee's delegate) or Manager, or may be referred to the Trustee Board as appropriate.

The complainant will receive written notice of the decision made in relation to the complaint from either the Administrator or Manager within 90 days from the date of receipt of the complaint.

If, before the complainant receives this notice, they decide to withdraw their complaint, they should immediately notify the Administrator or Manager.

#### 4. External Dispute Resolution – Superannuation Complaints Tribunal

If a member's complaint is not resolved satisfactorily, or if the legislated 90 day limit for responding to a complaint is not met by the Trustee, the member may refer the complaint to the SCT at no cost. However, sponsoring employers are not able to refer complaints to the SCT.

An application made to the SCT to consider a complaint must be made in writing and must be delivered or sent to the office of the SCT. The SCT can be contacted as follows:

Superannuation Complaints Tribunal

Locked Bag 3060

GPO MELBOURNE VIC 3001

Phone: 1300 780 808

Fax: (03) 8635 5588

Email: [info@sct.gov.au](mailto:info@sct.gov.au)

The SCT can only handle certain types of complaints (notably excluding general complaints about a Fund's management such as investment performance or the general level of fees and charges) and only if they are lodged within specified time limits. The SCT cannot deal with any complaints if proceedings relating to the complaint have begun in court and have not finally been disposed of.

Complainants may only take their complaint to the SCT if they can show that:

- It was not resolved by the Trustee's internal dispute resolution procedures to their satisfaction within 90 days from the date of the Trustee's receipt of the complaint; and
- The decision:
  - Was in excess of the powers of the Trustee; or
  - Was an improper exercise of the powers of the Trustee; or
  - Was unfair or unreasonable.

The SCT will first attempt conciliation to resolve the complaint. If this is not effective, it may review the Trustee's decision and conduct and make a determination.

Members cannot complain to the SCT unless they have already used, or attempted to use, the Fund's internal *Dispute Resolution Procedures* (as described above). If they attempt to do so, they will be rejected by the SCT.

The Trustee cannot normally refer a complaint to the SCT.

The SCT may make a decision in writing:

- Affirming the Trustee's decision;
- Giving the matter back to the Trustee for reconsideration in accordance with the directions of the SCT;
- Varying the Trustee's decision; or
- Setting aside the Trustee's decision and substituting its own decision.

The SCT must affirm the original decision of the Trustee unless it is satisfied that the decision of the Trustee was not fair and reasonable in all the circumstances of the particular case. The SCT cannot make a decision contrary to the law or to the governing rules of the Fund.

For more information on how the SCT deals with complaints, refer to the SCT website: [www.sct.gov.au](http://www.sct.gov.au).