

# Guideline to information and document requests

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## Introduction

This document contains examples of information and documents we may request from both parties for specific complaint issues. It also provides guidance on what stage of the process we will make these requests.

We recognise that complainants will not always have access to all relevant records or material listed. On the other hand, financial firms can be expected to maintain an effective record keeping system. For that reason, we prefer to seek information from the financial firm in the first instance and we will seek information from the complainant that the financial firm is unlikely to have.

You should advise us as soon as possible if any requested information is not available.

We will only request information which is specifically relevant and necessary to decide the issues discussed.

We will not make a significant request for information without having spoken to the parties first about the request.

## When will we request information?

We consolidate information requests to particular points in the process wherever possible. Requests may differ depending on the process stream. The tables below outline at what process step requests for information are likely to be made, the nature of the request and its purpose.

### Standard and complex process

Status	Process step	Nature of request	Purpose
<b>Case Management 1</b>	Initial Case Management Notification (ICMN)	Case worker may request information-based conversations with the parties and the review of AFCA approaches.	To investigate the complaint
<b>Preliminary View</b>	Investigation	Case worker may request information based on the responses to the ICMN. Request may be combined with exchange of submissions.	To finalise preliminary assessment

Status	Process step	Nature of request	Purpose
<b>Decision</b>	Draft and Issue determination	After providing the preliminary assessment, the case worker may request additional information based on the response of the parties.	To draft the determination
<b>Decision</b>	Finalise and Issue Determination	After receiving the draft determination, the ombudsman may decide further comment or information is required from the parties. The ombudsman will request this information.	To finalise the determination

### Fast Track process

Status	Process step	Nature of request	Purpose
<b>Case Management 1</b>	Initial Case Management Notification (ICMN)	Case worker may request information-based conversations with the parties and the review of AFCA approaches	To investigate the complaint
<b>Preliminary View</b>	Schedule preliminary assessment	Case worker may request information when notifying parties of the time when the preliminary assessment will be given.	To finalise the preliminary assessment
<b>Preliminary View</b>	Provide preliminary assessment	If preliminary assessment is not accepted by either party, the case worker will let the party know what information will be required to change their view.	To draft the determination
<b>Decision</b>	Draft and Issue Determination	Case worker may request additional and/or outstanding information in the notification to parties that the complaint has progressed to Decision and a determination will soon be issued.	To finalise the determination

### Financial difficulty process

Status	Process step	Nature of request	Purpose
<b>Case Management 1</b>	Initial Case Management Notification (ICMN)	Case worker may request information-based conversations with the parties and the review of AFCA approaches.	To investigate the complaint

Status	Process step	Nature of request	Purpose
<b>Case Management 2</b>	Prior to conciliation	Case worker may request information based on the responses to the ICMN. Request may be combined with exchange of submissions.	To finalise preliminary assessment to be given in conciliation if appropriate
<b>Preliminary View</b>	Investigation	Case worker may request additional information. Request may be combined with exchange of submissions.	To provide verbal preliminary assessment if not previously given
<b>Decision</b>	Draft and Issue Determination	After providing the preliminary assessment, the case worker may request additional information based on the response of the parties.	To draft the determination
<b>Decision</b>	Finalise Determination and Issue Determination	After receiving the draft determination, the ombudsman may decide further comment or information is required from the parties. The ombudsman will request this information.	To finalise the determination

### What information and documents will we request?

The following tables outline the information and documents we may request for different complaint types.

- We will only ask for information that is relevant.
- We will consider the nature and circumstances of a complaint before deciding whether to ask for all information on the list, a selection of information or additional information.
- Not all the information listed will necessarily be requested at the outset of every complaint.

# Banking and finance complaints

## Responsible lending

Related products:

- Consumer credit
- Business finance
- Guarantees

Information requested from financial firm	Information requested from complainant
<p><b>Consumer Credit</b></p> <ul style="list-style-type: none"> <li>• Loan application</li> <li>• Loan contract and security documentation</li> <li>• Terms and conditions applicable at the time the loan was granted</li> <li>• Title search of any security including details of whether the security property is an investment property or home</li> <li>• Account statements for first 12 months</li> <li>• Recent account statements showing outstanding balance</li> <li>• Copies of information provided by complainant and relied upon by financial firm in support of application.</li> <li>• Basis on which lending was approved with reference to lending guidelines and/or policy and information provided by complainant</li> </ul> <p><b>Business finance</b></p> <ul style="list-style-type: none"> <li>• Loan application and the supporting documentation provided by business</li> <li>• Loan contract, mortgage or other security documentation</li> <li>• Terms and conditions applicable at the time the loan was granted</li> <li>• Company search if Pty Ltd</li> <li>• Title search of any security including details of whether the security property is an investment property or home</li> <li>• Copy of guarantee if secured by one and relevant to complaint</li> </ul> <p><b>Guarantees</b></p> <ul style="list-style-type: none"> <li>• Loan application and the supporting documentation provided by the complainant</li> <li>• The guarantee and any documentation to show that independent legal advice or</li> </ul>	<ul style="list-style-type: none"> <li>• Copy of the documentation provided to financial firm in support of the credit application, which may include             <ul style="list-style-type: none"> <li>&gt; business plans</li> <li>&gt; budget forecasts</li> <li>&gt; statement of income and expenses</li> <li>&gt; wage slips</li> <li>&gt; tax returns</li> </ul> </li> <li>• Details of the complainant’s financial position at the time the credit facility (or each of the credit facilities) was taken out</li> <li>• Details of the complainant’s current financial position</li> <li>• If the credit facility refinanced an existing facility from another financial firm, provide:             <ul style="list-style-type: none"> <li>&gt; full details of the previous debt including the amount discharged</li> <li>&gt; a copy of the documentation to show the funds have been repaid e.g. the final statement</li> <li>&gt; documentation to show the applicable interest rate at the time of discharge</li> </ul> </li> <li>• Identify any claim for loss and provide supporting documentation to show how it is calculated</li> </ul>

Information requested from financial firm	Information requested from complainant
<p>financial advice was obtained where appropriate</p> <ul style="list-style-type: none"> <li>• Title search of any security held including details of whether the security property is an investment property or home</li> <li>• Account statements over first 12 months</li> <li>• Recent account statements showing outstanding balance</li> <li>• Basis on which lending was approved with reference to lending guidelines and/or policy and information provided by complainant</li> </ul>	

### Incorrect cost/fee

Related products:

- Business finance
- Consumer credit
- Current accounts

Information requested from financial firm	Information requested from complainant
<ul style="list-style-type: none"> <li>• Details of cost/fee complainant</li> <li>• Documentation supporting cost/fee has been debited, disclosed and charged in accordance with product e.g. loan contract, lease agreement, overdraft</li> <li>• Copy of any relevant terms and conditions applicable at the time</li> <li>• Detail where appropriate how cost/fee is calculated e.g. break costs, balloon payments</li> </ul>	<ul style="list-style-type: none"> <li>• Provide details of why the complainant considers the cost/fee has been incorrectly charged</li> <li>• Specify which cost/fee charges are in dispute where more than one is in dispute</li> </ul>

### Misleading product/service information

Related products:

- Business finance
- Consumer credit
- Guarantees

Information requested from financial firm	Information requested from complainant
<ul style="list-style-type: none"> <li>• Provide copies of all contractual documentation, advertising material, sales scripts which relates to the misleading product/service and was given to the</li> </ul>	<ul style="list-style-type: none"> <li>• Provide details about the information or material you consider misleading</li> <li>• Outline why the complainant considers it misleading</li> </ul>

Information requested from financial firm	Information requested from complainant
<p>complainant or relevant at the appropriate time</p> <ul style="list-style-type: none"> <li>• Where appropriate, provide a written statement from staff members involved in any discussion with the complainant relating to the alleged misleading product/service</li> <li>• Provide copies of any contemporaneous notes or telephone recordings made at the time of the alleged misleading conduct/statement</li> <li>• A copy of any relevant internal policies which should have been followed e.g. when changing from variable to fixed rate loan.</li> </ul>	<ul style="list-style-type: none"> <li>• Provide details about how the complainant relied on the information (i.e. what did they do as a result)</li> <li>• Documentation to support any claim for loss the complainant has suffered in reliance on misleading conduct</li> </ul>

## Denial of claim

Related products:

- Business finance
- Consumer credit

Information requested from financial firm	Information requested from complainant
<p><b>Business finance</b></p> <ul style="list-style-type: none"> <li>• Merchant agreement</li> <li>• Complaint form about the transaction in dispute</li> <li>• Any other information or documentation held concerning the transaction e.g. voucher</li> <li>• Details from financial firm about reason chargeback was accepted and copy of documentation received from cardholder's financial firm</li> </ul> <p><b>Consumer credit</b></p> <ul style="list-style-type: none"> <li>• Financial firm complainant transaction form completed by complainant</li> <li>• Reason used to process chargeback</li> <li>• Was a good faith chargeback attempted? If not, why not.</li> <li>• Account terms and conditions</li> </ul>	<ul style="list-style-type: none"> <li>• Provide precise reasons why the complainant seeks a chargeback</li> <li>• Have any goods supplied to the complainant been returned</li> </ul>

## Consumer credit reporting

Related products:

- Consumer credit



Information requested from financial firm	Information requested from complainant
<ul style="list-style-type: none"> <li>• Provide a copy of default notices</li> <li>• Provide statements of account over period of default</li> <li>• Provide a copy of any collection notes</li> <li>• Copies of letters providing proximate warning to list outstanding debt</li> <li>• Details of whether the complainant had requested hardship assistance. If so, provide dates of when the request was made and what action financial firm took in relation to the hardship request.</li> </ul>	<ul style="list-style-type: none"> <li>• Provide a copy of the credit report</li> <li>• If the complainant has changed address, how did they inform the financial firm of change of address and provide a copy of any correspondence</li> </ul>

## Financial difficulty complaints

### Determining what assistance has been provided in the past

Information requested from financial firm	Information requested from complainant
<ul style="list-style-type: none"><li>• Contact records showing details of discussions held with the complainant about their requests for assistance.</li><li>• Copies of correspondence exchanged with the complainant showing how the financial firm responded to their requests for assistance.</li><li>• Copies of any information the financial firm relied on to make its decision about providing assistance.</li><li>• A copy of account statements showing the history of payments, the balances outstanding and any default fees, charges or other costs debited to the complainant's account following the request for assistance.</li><li>• If relevant, a copy of documents relating to legal proceedings, so that we can see the status of these proceedings and review whether or not we are able to consider the complaint</li></ul>	<ul style="list-style-type: none"><li>• A copy of any letters to the financial firm that show what assistance was requested, and when.</li><li>• Details of why the complainant believes the financial firm has not met its obligations.</li><li>• Details of any loss suffered as a result of the financial firm's actions, including supporting documentation if available.</li></ul>

### Determining if the current financial difficulty can be overcome

Information requested from financial firm	Information requested from complainant
<ul style="list-style-type: none"><li>• Enough details of the loan/s to be able to perform calculations such as a loan amortisation schedule.</li><li>• Details of any payment arrangement that the financial firm is prepared to accept.</li><li>• Details of any additional information or other conditions that the financial firm requires before it will agree to implement the proposed repayment arrangement.</li><li>• If the financial firm is not prepared to accept a payment arrangement, reasons for this decision</li></ul>	<ul style="list-style-type: none"><li>• For an individual, a completed statement of financial position showing full and accurate details of the complainant's current circumstances.</li><li>• For a business, information relevant to the request being made of the financial firm.</li><li>• Details of how the complainant expects their circumstances to change.</li><li>• A realistic repayment proposal that will see the debt, including any arrears, repaid within a reasonable timeframe.</li><li>• If the complainant cannot afford a repayment arrangement, details of their alternative proposal e.g. a timeframe for sale of an asset.</li></ul>

## General Insurance complaints

### Quantum or causation

Related products:

- Home building (defined events: fire, flood, storm, water damage or earthquake)
- Home contents (defined events: fire, flood, storm, water damage or earthquake)

Information requested from financial firm	Information requested from complainant
<ul style="list-style-type: none"><li>• Relevant PDS</li><li>• Policy schedule for the relevant period of the complaint (if relevant)</li><li>• Claim form if used or description of loss</li><li>• Details of damaged or lost items.</li><li>• Proof of ownership if the loss involves individual items e.g. jewellery, watches.</li><li>• If available copies of quotations, loss assessor's report and attachments, scope of works, expert evidence (include CV) and colour photographs and hydrology report where a flood complaint.</li></ul>	<ul style="list-style-type: none"><li>• Proof of ownership if the loss involves individual items e.g. jewellery, watches.</li><li>• If available copies of quotations, scope of works, expert evidence (include CV) and colour photographs and hydrology report where a flood complaint.</li></ul>

### Proof of ownership

Related products:

- Home building
- Home contents

Information requested from financial firm	Information requested from complainant
<ul style="list-style-type: none"><li>• Relevant PDS</li><li>• Claim form if used or description of loss</li><li>• Details of damaged or lost items.</li><li>• Loss assessor's report</li></ul>	<ul style="list-style-type: none"><li>• Proof of ownership can be in the form of receipts, manuals, photographs, valuations or statements from third parties.</li></ul>

### Malicious damage / Loss of rent

Related products:

- Home building
- Home contents

Information requested from financial firm	Information requested from complainant
<ul style="list-style-type: none"> <li>• Relevant PDS</li> <li>• Policy schedule for the relevant period of the complaint</li> <li>• Claim form if used</li> <li>• Description of loss and schedule of items claimed.</li> <li>• If available copies of loss assessor's report and coloured photographs of damaged items.</li> </ul>	<ul style="list-style-type: none"> <li>• Inspection report, tenancy agreement or orders of tenancy tribunal if a rental property complaint.</li> </ul>

### Length of disability or cover for medical condition or injury (including pre-existing)

Related products include:

- Personal accident and sickness
- Travel
- Consumer credit

Information requested from financial firm	Information requested from complainant
<ul style="list-style-type: none"> <li>• Relevant PDS</li> <li>• Policy schedule for the relevant period of the complaint</li> <li>• Claim form if used or a description of claim and length of disability</li> <li>• Any medical evidence</li> </ul>	<ul style="list-style-type: none"> <li>• Any medical evidence</li> </ul>

### Loss of contents/possessions

Related products include:

- Travel

Information requested from financial firm	Information requested from complainant
<ul style="list-style-type: none"> <li>• Relevant PDS</li> <li>• Claim form if used.</li> <li>• Description of loss and schedule of items claimed</li> </ul>	<ul style="list-style-type: none"> <li>• Police report if notification necessary</li> <li>• Proof of ownership can be in the form of receipts, manuals, photographs, valuations or statements from third parties.</li> </ul>

### Cancellation of flight or travel/accommodation

Related products:

- Travel

Information requested from financial firm	Information requested from complainant
<ul style="list-style-type: none"> <li>• Relevant PDS</li> <li>• Claim form if used.</li> <li>• Description of loss and schedule of items claimed.</li> </ul>	<ul style="list-style-type: none"> <li>• Information to support the claim e.g. letter from airline</li> </ul>

## Quantum

Related products:

- Motor vehicle

Information requested from financial firm	Information requested from complainant
<ul style="list-style-type: none"> <li>• Relevant PDS</li> <li>• Policy schedule for the relevant period of the complaint (if relevant).</li> <li>• Claim form if used.</li> <li>• If available copies of loss assessors report and coloured photographs of vehicle</li> <li>• Quotation for repairs</li> </ul>	<ul style="list-style-type: none"> <li>• Quotation for repairs</li> <li>• Valuation report, advertisements of similar make and model and service record to substantiate write-off</li> <li>• Any relevant independent reports</li> </ul>

## Liability (who was responsible for the accident)

Related products:

- Motor vehicle

Information requested from financial firm	Information requested from complainant
<ul style="list-style-type: none"> <li>• Relevant PDS</li> <li>• If available copies of loss assessors report, coloured photographs of vehicle or location of accident</li> </ul>	<ul style="list-style-type: none"> <li>• Statements from either driver or eye witness</li> <li>• Police report if available</li> </ul>

## Driving under the influence of alcohol or drugs

Related products:

- Motor vehicle

Information requested from financial firm	Information requested from complainant
<ul style="list-style-type: none"> <li>• Relevant PDS</li> <li>• Claim form if used.</li> <li>• Statement from witnesses who may have observed the driver of the insured vehicle at the relevant time just prior to or after the accident, e.g. police, ambulance officer or</li> </ul>	<ul style="list-style-type: none"> <li>• A statement from the driver of the insured vehicle setting out their travel and activities in the 12 hours leading up to the time of the accident</li> </ul>

Information requested from financial firm	Information requested from complainant
<p>other. Include a description of the witness's level of expertise to make an assessment.</p> <ul style="list-style-type: none"> <li>• A statement from the driver of the insured vehicle setting out their travel and activities in the 12 hours leading up to the time of the accident</li> <li>• Details of the number, types and quantities of alcoholic drinks and/or drugs they consumed and when they were consumed</li> <li>• Details of the places the driver visited prior to the incident</li> </ul>	<ul style="list-style-type: none"> <li>• Details of the number, types and quantities of alcoholic drinks and/or drugs the driver consumed and when they were consumed</li> <li>• Details of the places the driver visited prior to the incident</li> </ul>

### Non-disclosure/misrepresentation

Related products:

- All general insurance products

Information requested from financial firm	Information requested from complainant
<ul style="list-style-type: none"> <li>• Relevant PDS</li> <li>• Policy schedule for the relevant period</li> <li>• Details of when the PDS was sent</li> <li>• Claim form if used or description of incident</li> <li>• Information/documentation provided by the financial firm to the insured regarding the insured's duty of disclosure and evidence of what the insured failed to disclose</li> <li>• What questions were asked and what answers were given</li> <li>• Copy of any recording when the policy was arranged</li> <li>• Details of the process the employee has been trained to follow when arranging the policy</li> <li>• Copies of computer screens to show the steps followed. If a motor complaint, then a copy of the insured's driving history</li> <li>• Copy of the financial firms underwriting guidelines or if not available examples of similar declinatures</li> <li>• Interview transcripts and copy of recording if undertaken</li> </ul>	<ul style="list-style-type: none"> <li>• Details of how the policy was taken out and information about the questions asked</li> </ul>

### Fraud

Related products:

- All general insurance products

Information requested from financial firm	Information requested from complainant
<ul style="list-style-type: none"> <li>• Relevant PDS</li> <li>• Policy schedule for the relevant period of the complaint.</li> <li>• Transcripts of interview conducted (together with the recording)</li> <li>• Investigator's/expert's/assessor's reports</li> <li>• Details of financials of the insured</li> <li>• Witness statements if available</li> <li>• Police report if available</li> </ul>	<ul style="list-style-type: none"> <li>• Proof of ownership</li> </ul>

### Dispatch of documents

Related products:

- All general insurance products

Information requested from financial firm	Information requested from complainant
<ul style="list-style-type: none"> <li>• Relevant PDS</li> <li>• Policy schedule for the relevant period of the complaint</li> <li>• A copy of any record held by the financial firm showing that the document was actually sent and the date the document was sent</li> <li>• A detailed explanation of its usual process for sending documents of the same sort</li> <li>• Records showing the process followed</li> <li>• If the document was sent in a group of documents on the same day - a signed statement by an appropriately qualified individual setting out the relevant information</li> <li>• Records showing the last known address of the insured</li> <li>• Confirmation that the document was not returned to the financial firm</li> <li>• If the insured's postal address differs from the financial firm's records - a copy of the letter/email from the insured advising of the change or the date of the phone conversation, the name of the contact person, the content of the conversation and any record the insured may have made.</li> </ul>	N/A

### Excess / Deductible or premium on indemnity claims

Related products:

- Medical indemnity

Information requested from financial firm	Information requested from complainant
<ul style="list-style-type: none"><li>• Relevant PDS</li><li>• Policy schedule for the relevant period of the complaint</li><li>• Description of complaint</li><li>• Details of claims history</li><li>• Underwriting requirements/guidelines</li></ul>	N/A



## Investments and life insurance complaints

### Lapse of policy

Related products:

- Life insurance

Information requested from financial firm	Information requested from complainant
<ul style="list-style-type: none"><li>• Policy document and schedule</li><li>• Notice(s) of cancellation</li><li>• Any relevant correspondence between the parties</li></ul>	<ul style="list-style-type: none"><li>• If there is disagreement about the version of the policy document or schedule provided by the financial firm, a copy should be obtained from the complainant if available.</li><li>• Any relevant correspondence between the parties, not already provided by the financial firm</li></ul>

### Avoidance of policy by insurer (non-disclosure / misrepresentation)

Related products:

- Life insurance

Information requested from financial firm	Information requested from complainant
<ul style="list-style-type: none"><li>• Policy document and schedule</li><li>• PDS or customer information brochure (current as at relevant date)</li><li>• Notification from financial firm of avoidance of policy</li><li>• Completed application form</li><li>• Completed claim form(s)</li><li>• All relevant medical reports (including letters of instruction from the financial firm to the consultant) / records</li><li>• Any investigator/expert reports relied on by the financial firm</li><li>• Underwriting opinion(s) and guideline(s)</li><li>• Any relevant correspondence between the parties</li><li>• Call recordings (if application for insurance was over the phone)</li></ul>	<ul style="list-style-type: none"><li>• If there is disagreement about the version of the policy document or schedule provided by the financial firm, a copy should be obtained from the complainant if available.</li><li>• All relevant medical reports / records</li><li>• Any relevant correspondence between the parties, not already provided by the financial firm.</li></ul>

## Denial of claim

Related products:

- Life insurance

Information requested from financial firm	Information requested from complainant
<ul style="list-style-type: none"><li>• Policy document and schedule</li><li>• PDS or customer information brochure (current as at relevant date)</li><li>• Completed claim form(s)</li><li>• All relevant medical reports/records, including letters of instruction from the financial firm to the consultant specialist</li><li>• Any relevant correspondence between the parties</li></ul>	<ul style="list-style-type: none"><li>• If there is disagreement about the version of the policy document or schedule provided by the financial firm, a copy should be obtained from the complainant if available.</li><li>• All relevant medical reports/records</li><li>• Any relevant correspondence between the parties, not already provided by the financial firm.</li></ul>

## Quantum of benefit

Related products:

- Life insurance

Information requested from financial firm	Information requested from complainant
<ul style="list-style-type: none"><li>• Policy document and schedule</li><li>• PDS or customer information brochure (where complaint about interpretation of policy provisions relating to calculation of benefit) (current as at relevant date)</li><li>• Completed application form</li><li>• Completed claim form(s)</li><li>• Any relevant correspondence between the parties</li></ul>	<ul style="list-style-type: none"><li>• If there is disagreement about the version of the policy document or schedule provided by the financial firm, a copy should be obtained from the complainant if available.</li><li>• Financials (e.g. personal income tax assessment notices/returns, company profit and loss statements and tax assessments/returns)</li><li>• Any relevant correspondence between the parties, not already provided by the financial firm.</li></ul>

## Alleged non-disclosure / misrepresentation by insurer

Related products:

- Life insurance

Information requested from financial firm	Information requested from complainant
<ul style="list-style-type: none"><li>• Policy document and schedule</li><li>• PDS or customer information brochure (current as at relevant date)</li><li>• Any relevant correspondence between the parties</li></ul>	<ul style="list-style-type: none"><li>• If there is disagreement about the version of the policy document or schedule provided by the financial firm, a copy should be obtained from the complainant if available.</li></ul>

Information requested from financial firm	Information requested from complainant
<ul style="list-style-type: none"> <li>• Call recordings (if application for insurance made over the phone or complainant is alleging verbal misrepresentations)</li> </ul>	<ul style="list-style-type: none"> <li>• Any relevant correspondence between the parties, not already provided by the financial firm.</li> </ul>

## Complaints against adviser

Related products:

- Life insurance

Information requested from financial firm	Information requested from complainant
<ul style="list-style-type: none"> <li>• Statement(s) of advice/record(s) of advice</li> <li>• Quotes provided by the adviser if the complaint relates to level/costs of cover recommended</li> <li>• PDS or customer information brochure provided to the complainant</li> <li>• Statement from the adviser addressing the complainant's allegations</li> <li>• Policy document and schedule</li> <li>• Completed application form if complaint relates to Insurers avoidance of policy</li> <li>• Contemporaneous file notes</li> <li>• Any relevant correspondence between the parties</li> </ul>	<ul style="list-style-type: none"> <li>• If there is disagreement about the version(s) of statement(s) of advice/record(s) of advice, PDS or other documents provided by the financial firm, they should be obtained from the complainant if available.</li> <li>• Information from the complainant explaining recollection of events</li> <li>• Any relevant correspondence between the parties not already provided by the financial firm.</li> </ul>

## Quality of advice – financial planning and stockbroking/derivatives

Related products:

- Investments

Information requested from financial firm	Information requested from complainant
<ul style="list-style-type: none"> <li>• Copy of service agreement/letter of engagement (signed) and any other relevant agreements/terms and conditions</li> <li>• 'Know your client' material such as fact find/client data forms/risk profiling records/file notes*</li> <li>• 'Know your product' material including any applicable research documents*</li> <li>• Adviser's file notes, contact records, records of advice</li> <li>• Authority to proceed (if used)</li> <li>• Statement of advice*</li> <li>• Copy of any application forms</li> </ul>	<ul style="list-style-type: none"> <li>• If there is disagreement about the version(s) of statement(s) of advice / record(s) of advice, PDS or other documents provided by the financial firm, they should be obtained from the complainant if available.</li> <li>• Any relevant correspondence between the parties, not already provided by the financial firm.</li> <li>• For complaints from a company, trust and/or Self-Managed Superannuation Fund (SMSF) – who is acting on its behalf? (SMSF complainants should specify if company or individual trustees).</li> </ul>

Information requested from financial firm	Information requested from complainant
<ul style="list-style-type: none"> <li>• Where the complainant is wholesale client/sophisticated investor, a copy of accountant's certificate or sophisticated investor documentation</li> <li>• A statement from the adviser setting out details of dealings and discussions with the complainant (when, how and why). If a statement is not available, financial firm should explain why not and any attempts made to obtain one.</li> <li>• Details of advisory fees</li> <li>• Details of any ongoing reviews if relevant</li> <li>• For derivatives advice – details of adviser accreditation</li> <li>• Other relevant documents the financial firm provided to the complainant which may include PDSs, information brochures, prospectus</li> <li>• Other relevant correspondence such as letters, emails and faxes between adviser and the complainant</li> </ul>	<ul style="list-style-type: none"> <li>• Proof of loss including: <ul style="list-style-type: none"> <li>• evidence of acquisition, income, withdrawals and disposal/exit amounts (or if investments still held, current market values) and dates e.g. account statements</li> </ul> </li> <li>• an explanation of what the complainant's financial position would have been had the alleged breach(es) not occurred (e.g. by reference to performance of comparable portfolios)</li> <li>• for gearing/loan complaints – details of loan, interest and repayment requirements and amounts, and details of any taxation benefits and supporting statements, e.g. loan statements, tax documents or letter from accountant, etc.</li> <li>• for loss arising from advice considering tax: details of any taxation benefits e.g. tax documents or letter from accountant</li> </ul>

*\* ASIC requires financial firms to retain SOAs and supporting client and product information for a period of 7 years as a standard licensing condition (ASIC Pro Forma 209, condition 57). If financial firm is unable to provide these records, it should explain why they are not available.*

## Misrepresentation/non-disclosure – financial planning and stockbroking / derivatives

Related products:

- Investments

Information requested from financial firm	Information requested from complainant
<ul style="list-style-type: none"> <li>• Copy of service signed agreement/letter of engagement and any other relevant agreements or terms and conditions</li> <li>• A statement from the adviser setting out details of dealings and discussions with the complainant (when, how and why). If a statement is not available, financial firm should explain why not and any attempts made to obtain one.</li> <li>• If the misleading conduct/misrepresentation was about a future matter or partly about a future matter: evidence from the financial firm that it had a reasonable basis for making the representation or to engage in the conduct</li> </ul>	<ul style="list-style-type: none"> <li>• Information from complainant explaining relevant dealings with the financial firm.</li> <li>• The complainant should identify: <ul style="list-style-type: none"> <li>&gt; the representation/non-disclosure or conduct in complaint;</li> <li>&gt; why they consider it was false or misleading or a non-disclosure;</li> <li>&gt; how/why he or she relied on it; and</li> <li>&gt; what he or she would have done differently if they were not misled or had received appropriate disclosure.</li> </ul> </li> <li>• Complainant should reference and relevant documents that the complainant considers demonstrate(s) the misrepresentation/non-</li> </ul>

Information requested from financial firm	Information requested from complainant
<ul style="list-style-type: none"> <li>• Authority to proceed (if used)</li> <li>• Copy of any application forms</li> <li>• Any file notes, contact records, statements of advice*, records of advice</li> <li>• Where the complainant is wholesale client/sophisticated investor, a copy of accountant's certificate or sophisticated investor documentation</li> <li>• For derivatives advice: details of adviser accreditation</li> <li>• Other relevant documents the financial firm provided to the complainant e.g. PDS, derivatives explanatory booklets, prospectus</li> <li>• Other relevant correspondence such as letters, emails and faxes between adviser and the complainant</li> </ul>	<p>disclosure (e.g. SOAs, PDSs, derivatives explanatory booklets, prospectus, marketing material (including website material) etc). If those documents are not available from the financial firm, the complainant should provide copies.</p> <ul style="list-style-type: none"> <li>• Relevant correspondence (letters, emails and faxes) between financial firms and the complainant not already provided by the financial firms.</li> <li>• Proof of loss</li> <li>• evidence of acquisition, income, withdrawals and disposal/exit amounts (or if investments still held, current market values) and dates e.g. account statements</li> <li>• an explanation of what the complainant's financial position would have been had the alleged breach(es) not occurred (e.g. by reference to performance of comparable portfolios)</li> <li>• for gearing/loan complaints – details of loan, interest and repayment requirements and amounts, and details of any taxation benefits and supporting statements, e.g. loan statements, tax documents or letter from accountant, etc</li> <li>• for loss arising from advice considering tax– details of any taxation benefits e.g. tax documents or letter from accountant</li> <li>• For complaints from a company, trust and/or self-managed superannuation fund (SMSF) – who is acting on its behalf? (SMSF complainants should specify if company or individual trustees)</li> </ul>

## Failure to follow instructions, margin calls/liquidations – financial planning and stockbroking/derivatives

Related products:

- Investments

Information requested from financial firm	Information requested from complainant
<ul style="list-style-type: none"> <li>• Relevant client agreements and disclosures (e.g. signed application forms, terms and conditions of trading, online 'click through' agreements, derivatives documents (agreements, PDSs, explanatory booklets),</li> </ul>	<ul style="list-style-type: none"> <li>• Information from complainant explaining relevant dealings with the financial firm</li> <li>• If the complainant wishes to rely on or complain the terms of a contract with the financial firm: reference to relevant contractual</li> </ul>

### Information requested from financial firm

- MDA agreement, margin loan agreement, any terms printed on reverse of contract notes/trade confirmations etc.)
- Statement from adviser/financial firm personnel setting out any relevant discussions and dealings with complainant. If a statement is not available, financial firm should explain why not and any attempts made to obtain one.
  - Relevant correspondence (letters, emails and faxes between the adviser and the client).
  - Any correspondence to third parties involved in the implementation of a recommendation or instruction
  - File notes, client contact notes and correspondence (including records of any margin call contact)
  - Account statements
  - Confirmations/contract notes
  - Financial firm order records
  - Telephone recordings (if made)
  - Relevant pricing information

### Information requested from complainant

- documents (for example, terms and conditions, etc). If those documents are not available from the financial firm, the complainant should provide copies.
- Where the complainant alleges the financial firm did not act on an instruction the complainant should provide:
    - > if the instruction was oral: details of the instruction, what was said to the financial firm, how it was said, when it was said and why it was said
    - > if the instruction was in writing: a copy of the written instruction if not available from the financial firm
  - Relevant correspondence (letters, emails and faxes between the adviser and the client) not already provided by the financial firm
  - Correspondence to third parties involved in the implementation of a recommendation or instruction
  - Details of any attempts by complainant to mitigate loss (if instruction was to sell, what steps did the complainant take to sell once they became aware their instruction was not acted on? If the instruction was to buy, what steps did the complainant take to buy once they became aware their instruction was not acted on? For liquidations - did the complainant attempt to buy back into the market? Why/why not?)
  - Where the complainant alleges the financial firm failed to implement or delayed the implementation of a recommendation – any evidence that the complainant agreed to implement the adviser’s recommendation
  - Proof of loss (e.g. account statements, trade confirmations/contract notes etc) and an explanation of what the complainant’s financial position would have been had the alleged breach(es) not occurred
  - For complaints from a company, trust and/or self-managed superannuation fund (SMSF) – who is acting on its behalf? (SMSF complainants should specify if company or individual trustees)

## Managed investments / responsible entity complaints Misrepresentation / non-disclosure

Related products:

- Investments

Information requested from financial firm	Information requested from complainant
<ul style="list-style-type: none"> <li>• Statement from financial firm personnel setting out any relevant discussions with complainant. If a statement is not available, financial firm should explain why not and any attempts made to obtain one</li> <li>• Relevant correspondence (letters, emails and faxes) between financial firm and the complainant</li> <li>• If the misleading conduct/misrepresentation was about a future matter or partly about a future matter – evidence from the financial firm that it had a reasonable basis for making the representation or to engage in the conduct</li> <li>• Any file notes or contact records</li> <li>• Completed application form and PDS</li> <li>• Scheme constitution (if relevant)</li> </ul>	<ul style="list-style-type: none"> <li>• Information from complainant explaining relevant dealings with the financial firm.</li> <li>• Complainant should make reference to relevant documents that the complainant considers demonstrate(s) the misrepresentation/non-disclosure (e.g. PDSs, prospectus, marketing material etc) Relevant correspondence (letters, emails and faxes) between financial firm and the complainant. If those documents are not available from the financial firm, the complainant should provide copies.</li> <li>• The complainant should identify:               <ul style="list-style-type: none"> <li>&gt; the representation/non-disclosure or conduct in complaint;</li> <li>&gt; why they consider it was false or misleading or a non-disclosure;</li> <li>&gt; how/why he or she relied on it; and</li> <li>&gt; what he or she would have done differently if they were not misled or had received appropriate disclosure</li> </ul> </li> <li>• Proof of loss (account statements, evidence of transfers if relevant etc.), and an explanation of what the complainant's financial position would have been had the alleged breach(es) not occurred</li> <li>• For complaints from a company, trust and/or self-managed superannuation fund (SMSF) – who is acting on its behalf? (SMSF complainants should specify if company or individual trustees)</li> </ul>

## Service related issues

Related products:

- Investments
- Life insurance

Information requested from financial firm	Information requested from complainant
<ul style="list-style-type: none"> <li>• Statement from financial firm personnel (if relevant). If a statement is not available, financial firm should explain why not and any attempts made to obtain one</li> <li>• Information relating to the service issue</li> <li>• Chronology of events</li> <li>• Relevant correspondence (letters, emails and faxes) between financial firm and the complainant</li> <li>• Relevant documents the financial firm gave to the complainant (e.g. SOAs, PDSs, FSGs)</li> <li>• Telephone recordings (if made)</li> <li>• File notes</li> </ul>	<ul style="list-style-type: none"> <li>• Information relating to the service issue, including if possible a chronology of events.</li> <li>• Evidence of any loss (including details of what the complainant's position would be but for the alleged breach(es))</li> <li>• Relevant correspondence (including letters, emails and faxes) between financial firm and the complainant not already provided by the financial firm.</li> <li>• If the complainant wishes to rely on or complain the terms of the contract with the financial firm: relevant documents (for example, terms and conditions, etc) not already provided by the financial firm.</li> <li>• For complaints from a company, trust and/or self-managed superannuation fund (SMSF) – who is acting on its behalf? (SMSF complainants should specify if company or individual trustees)</li> </ul>



# Superannuation complaints

## Account administration error

Information requested from financial firm	Information requested from complainant
<ul style="list-style-type: none"><li>• The date the complainant joined the Fund and a copy of any application form completed by the complainant</li><li>• The complainant's category of membership</li><li>• Copy of the product disclosure statement (and any significant event notices) given to the complainant</li><li>• The date of the relevant Trust Deed identifying the provisions relied upon in making the decision</li><li>• Copy of the relevant trust deed (applicable at the time the decision, act or omission being complained about occurred)</li><li>• A copy of any applicable insurance policy</li><li>• A chronology of events</li><li>• Copy of any correspondence sent to and by the complainant in relation to the subject matter of the complaint</li></ul>	<ul style="list-style-type: none"><li>• What did the complainant do or want to do?</li><li>• What was said by who? And when? Provide any available documents in support.</li><li>• What action could the complainant have taken if they were aware of the error?</li><li>• What steps did the complainant take to reduce their loss?</li></ul>

## Incorrect tax

Information requested from financial firm	Information requested from complainant
<ul style="list-style-type: none"><li>• The date the complainant joined the Fund and a copy of any application form completed by the Complainant</li><li>• The complainant's category of membership</li><li>• Copy of the product disclosure statement (and any significant event notices) given to the Complainant</li><li>• The date of the relevant trust deed identifying the provisions relied upon in making the decision</li><li>• Copy of the relevant trust deed (applicable at the time the decision, act or omission being complained about occurred)</li><li>• A chronology of events</li><li>• Copy of statements of account and tax calculations</li><li>• Copy of any correspondence sent to and by the complainant in relation to the subject matter of the complaint</li></ul>	<ul style="list-style-type: none"><li>• What incorrect action was taken by the financial firm?</li><li>• Supporting documents to show what loss the complainant suffered</li><li>• What steps did the complainant take to reduce their loss?</li></ul>

## Application for early super release declined

Information requested from financial firm	Information requested from complainant
<ul style="list-style-type: none"> <li>• The date the complainant joined the Fund and a copy of any application form completed by the complainant</li> <li>• The complainant's category of membership</li> <li>• Copy of the product disclosure statement (and any significant event notices) given to the complainant</li> <li>• The date of the relevant trust deed identifying the provisions relied upon in making the decision</li> <li>• Copy of the relevant trust deed (applicable at the time the decision, act or omission being complained about occurred)</li> <li>• Why was the application declined?</li> <li>• A chronology of events</li> <li>• Copy of any correspondence sent to and by the complainant in relation to the subject matter of the complaint</li> </ul>	<ul style="list-style-type: none"> <li>• Why does the complainant believe the financial firm has not acted in accordance with the trust deed?</li> <li>• Supporting documents, such as account statements</li> </ul>

## Delay in complaint handling

Information requested from financial firm	Information requested from complainant
<ul style="list-style-type: none"> <li>• The date the complainant joined the Fund and a copy of any application form completed by the complainant</li> <li>• The complainant's category of membership</li> <li>• Copy of the product disclosure statement (and any significant event notices) given to the complainant</li> <li>• The date of the relevant trust deed identifying the provisions relied upon in making the decision</li> <li>• Copy of the relevant trust deed (applicable at the time the decision, act or omission being complained about occurred)</li> <li>• A copy of any applicable insurance policy</li> <li>• A chronology of events, highlighting and delays with supporting documents showing the reasons for the delay</li> <li>• Copy of any correspondence sent to and by the complainant in relation to the subject matter of the complaint</li> </ul>	<ul style="list-style-type: none"> <li>• What did the complainant do or want to do?</li> <li>• What was said by who? And when? Provide any available documents in support.</li> <li>• What action could the complainant have taken if they were aware there would be a delay?</li> <li>• What steps did the complainant take to reduce their loss?</li> </ul>

## Death benefit distribution

Information requested from financial firm	Information requested from complainant
<ul style="list-style-type: none"> <li>• The date the deceased member joined the Fund and a copy of any application form completed by the deceased member</li> <li>• The deceased member's category of membership</li> <li>• The date of the relevant trust deed identifying the provisions relied upon in making the decision</li> <li>• Copy of the relevant trust deed (applicable at the time the decision, act or omission being complained about occurred)</li> <li>• Copy of any correspondence sent by the complainant in relation to the subject matter of the complaint</li> <li>• Amount of the death benefit (including any insured component received)</li> <li>• A copy of the deceased member's nomination of beneficiary form (if any) and whether it is a binding or non-binding nomination</li> <li>• Trustee minutes/claims committee minutes and any reports or recommendations relied upon in making a decision</li> <li>• All documentation received from potential beneficiaries</li> <li>• Birth, death and marriage certificates</li> <li>• Will, grant of probate or letters of Administration (if held)</li> <li>• An inventory of the assets and liabilities of the estate</li> <li>• Whether the funds governing rules allow for an anti-detriment payment to be made. If so, the amount of any increase in the benefit paid as a result.</li> <li>• Copies of all notices and letters issued to potential beneficiaries, including reasons provided for the decision</li> </ul>	<ul style="list-style-type: none"> <li>• A complainant/joined party claiming to be financially dependent:</li> <li>• What financial support was provided by the deceased member?</li> <li>• What was the frequency of the financial support?</li> <li>• Provide evidence of the support provided by the member</li> <li>• Complete the statement of financial circumstances</li> <li>• Marriage or birth certificate</li> <li>• Reasons in support of or contesting the proposed apportionment of the benefit</li> <li>• Copies of the deceased's binding or preferred nomination(s) to the fund</li> <li>• A complainant/joined party claiming to be in an interdependency relationship:</li> <li>• Complete the interdependency form</li> <li>• Complete the statement of financial circumstances</li> <li>• Marriage or birth certificate</li> <li>• Reasons in support of or contesting the proposed apportionment of the benefit</li> <li>• Copies of the deceased's binding or preferred nomination(s) to the fund</li> <li>• A legal personal representative:</li> <li>• Will</li> <li>• Probate or letters of administration</li> <li>• Assets and liabilities of the estate</li> </ul>

## Family law division of super benefit

Information requested from financial firm	Information requested from complainant
<ul style="list-style-type: none"> <li>• The date the complainant joined the Fund and a copy of any application form completed by the complainant</li> <li>• The complainant's category of membership</li> </ul>	<ul style="list-style-type: none"> <li>• Copies of any court orders or settlement agreements</li> </ul>

Information requested from financial firm	Information requested from complainant
<ul style="list-style-type: none"> <li>• Copy of the product disclosure statement (and any significant event notices) given to the complainant</li> <li>• The date of the relevant trust deed identifying the provisions relied upon in making the decision</li> <li>• Copy of the relevant trust deed (applicable at the time the decision, act or omission being complained about occurred)</li> <li>• A copy of any applicable insurance policy</li> <li>• A chronology of events</li> <li>• Copy of any correspondence sent to and by the complainant in relation to the subject matter of the complaint</li> </ul>	

## Denial of claim

Information requested from financial firm	Information requested from complainant
<ul style="list-style-type: none"> <li>• The date the complainant joined the Fund and a copy of any application form completed by the complainant</li> <li>• The complainant's category of membership</li> <li>• Copy of the product disclosure statement (and any significant event notices) given to the complainant</li> <li>• The date of the relevant trust deed identifying the provisions relied upon in making the decision</li> <li>• Copy of the relevant trust deed (applicable at the time the decision, act or omission being complained about occurred)</li> <li>• Copy of any applicable insurance policy and any subsequent amendment or document or correspondence that alters or clarifies any of the provisions in the policy</li> <li>• Copy of any correspondence sent by the Complainant in relation to the subject matter of the complaint</li> <li>• Amount of the disability benefit (including any insured component payable)</li> <li>• Date the complainant last worked, and date employment ceased (if applicable)</li> <li>• If the complainant received workers' compensation payments/settlement – the date the payments started and ended (if applicable), or date and amount of the settlement</li> </ul>	<ul style="list-style-type: none"> <li>• A chronology of events and supporting documents</li> <li>• All relevant medical reports / records</li> <li>• Any relevant correspondence between the parties, not already provided by the financial firm.</li> <li>• Financials (e.g. personal income tax assessment notices / returns, company profit and loss statements and tax assessments / returns)</li> </ul>

Information requested from financial firm	Information requested from complainant
<ul style="list-style-type: none"> <li>• Details of any return to work program</li> <li>• A copy of the insurance policy in effect as at the date of disablement and date of ceasing employment (if different)</li> <li>• Copy of member's claim form</li> <li>• Copies of all medical and occupational reports the insurer and/or trustee relied on in making their decision</li> <li>• Copies of any other reports or recommendations the trustee relied on in making its decision</li> <li>• Copies of any correspondence with the insurer in relation to the claim</li> <li>• Copies of any correspondence with the member (or the member's agent) in relation to the claim</li> <li>• Trustee minutes/ claims committee minutes of any meeting at which this matter was considered, including the original decision and any reviews of that decision and the complaint. If the matter was considered under a delegated authority, a copy of the instrument of delegation and minutes of the Trustee meeting approving the delegation.</li> <li>• Detailed reasons for the decision to decline the claim</li> <li>• Did the fund follow its own procedures?</li> <li>• Do the trustee and insurer's reports match? If not, have they seen each other's reports?</li> </ul>	

### Misleading product / service information

Information requested from financial firm	Information requested from complainant
<ul style="list-style-type: none"> <li>• The date the complainant joined the Fund and a copy of any application form completed by the complainant</li> <li>• The complainant's category of membership</li> <li>• Copy of the product disclosure statement (and any significant event notices) given to the complainant</li> <li>• The date of the relevant trust deed identifying the provisions relied upon in making the decision</li> <li>• Copy of the relevant trust deed (applicable at the time the decision, act or omission being complained about occurred)</li> <li>• A copy of any applicable insurance policy</li> </ul>	<ul style="list-style-type: none"> <li>• What did the complainant do or want to do?</li> <li>• What was said by who? And when? Provide any available documents in support.</li> <li>• What action could the complainant have taken if they were aware of e.g. the delay/the information not disclosed?</li> <li>• What steps did the complainant take to reduce their loss?</li> <li>• If there is disagreement about the version(s) of statement(s) of advice / record(s) of advice, PDS or other documents provided by the financial firm, they should be obtained from the complainant if available.</li> </ul>

Information requested from financial firm	Information requested from complainant
<ul style="list-style-type: none"> <li>• A chronology of events</li> <li>• Copy of any correspondence sent to and by the complainant in relation to the subject matter of the complaint</li> <li>• A statement from the adviser setting out details of dealings and discussions with the complainant (when, how, when and why). If a statement is not available, financial firm should explain why not and any attempts made to obtain one.</li> <li>• If the misleading conduct/misrepresentation was about a future matter or partly about a future matter: evidence from the financial firm that it had a reasonable basis for making the representation or to engage in the conduct</li> <li>• Any file notes, contact records, statements of advice, records of advice</li> </ul>	

### Inappropriate advice

Information requested from financial firm	Information requested from complainant
<ul style="list-style-type: none"> <li>• The date the complainant joined the fund and a copy of any application form completed by the complainant</li> <li>• The complainant's category of membership</li> <li>• Copy of the product disclosure statement (and any significant event notices) given to the complainant</li> <li>• The date of the relevant trust deed identifying the provisions relied upon in making the decision</li> <li>• Copy of the relevant trust deed (applicable at the time the decision, act or omission being complained about occurred)</li> <li>• A copy of any applicable insurance policy</li> <li>• A chronology of events</li> <li>• Copy of any correspondence sent to and by the complainant in relation to the subject matter of the complaint</li> <li>• Copy of service agreement/letter of engagement (signed) and any other relevant agreements/terms and conditions</li> <li>• A statement from the adviser setting out details of dealings and discussions with the complainant (when, how, when and why). If a statement is not available, financial firm should explain why not and any attempts made to obtain one.</li> </ul>	<ul style="list-style-type: none"> <li>• What did the complainant do or want to do?</li> <li>• What was said by who? And when? Provide any available documents in support.</li> <li>• What action could the complainant have taken if they were aware of the inappropriate advice?</li> <li>• What steps did the complainant take to reduce their loss?</li> <li>• If there is disagreement about the version(s) of statement(s) of advice / record(s) of advice, PDS or other documents provided by the financial firm, they should be obtained from the complainant if available.</li> </ul>

**Information requested from financial firm****Information requested from complainant**

- Authority to proceed (if used)
- Copy of any application forms
- Any file notes, contact records, statements of advice, records of advice