



# **Complaints Management Policy and Customer Guidance**

**Mine Super Group**

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## 1. About the Mine Group's complaints management practices

This Complaints Management Policy and Customer Guidance document (**Document**) is a summary of the Policy and Procedures used in the management of complaints received by AUSCOAL Superannuation Pty Ltd (**Trustee**), Mine Superannuation Fund (**Fund**), and Mine Super Services Pty Ltd (**Mine Services**), collectively referred to as the Mine Group (**us, we and our**) in this Document.

The intention of this Document is to provide, to our Fund members and advice clients (collectively referred to as **Customers** in this Document), guidance and an overview of the processes used by us to receive, acknowledge, investigate, escalate, resolve and close complaints.

## 2. Fees for making a complaint

All complaints management processes and services, including for making a complaint to us are free of charge. There are also no fees for making a complaint to the Australian Financial Complaints Authority (**AFCA**) (our external complaints resolution body).

## 3. Definition of complaint

We define a complaint as an expression of dissatisfaction made to or about the Mine Group, related to its role as a licensee, products, services, staff or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required. For clarity, a 'dispute' is deemed to be a complaint.

## 4. Who can make a complaint

Under our policy the following persons are eligible to make a complaint to us:

- a current or former member of the Fund;
- a person who has or who is acting for a person who has received financial advice from Mine Services;
- a person with an interest in a policy of insurance or insurance contract with the Fund;
- a representative acting for any of the above<sup>1</sup>;
- a person acting for the estate of any of the above people;
- beneficiaries with an interest (interested person) in a death benefit including a spouse, child, any person with an interdependency relationship with the deceased member, any person who was financially dependent on the deceased member, or others where there are no dependants or a legal personal representative;
- in respect of an agreement under the Family Law Act 1975 or superannuation order relating to a superannuation interest held in the Fund:
  - a member, beneficiary or former spouse who is party to the agreement, or subject to an order about that person's superannuation interest;
  - a person who intends to enter into a superannuation agreement with a member;
  - a person eligible to request information about that superannuation interest.
- a legal personal representative of the deceased members or the deceased spouse of a member.
- a person who has been given a written notice advising that they had contribution amounts provided in a statement to the Commissioner of Taxation for the purpose of determining the person's tax liability.

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<sup>1</sup> A representative can include (but is not limited to) a financial counsellor, legal representative, family, friend and member of parliament.

## 5. Categorisation of complaints

We categorise complaints received from or on behalf of our Customers according to the following definitions. These definitions assist us to identify the most appropriate internal staff to assist in managing and effectively resolving your complaint.

**Table 1: Complaint categories and definitions**

Definition	Detail
<b>Advice Complaint</b>	A complaint made in respect of any financial services, including general and personal financial product advice, provided under the Mine Super Services Pty Ltd AFSL No 502700.
<b>Privacy Complaint</b>	A complaint that relates to a right or obligation arising under the Privacy Act 1988 (Cth).
<b>Superannuation Complaint</b>	A complaint about: <ul style="list-style-type: none"> <li>the decisions (and conduct) of the trustee and people acting on its behalf, including insurers for decisions (and related conduct) about insured benefits through the Fund;</li> <li>the decision of the Trustee to include a person's contribution amounts in a statement provided to the Commissioner of Taxation for the purpose of determining the person's tax liability.</li> </ul>

## 6. How you can make a complaint

Complaints can be made via the following methods:

**Table 2: Methods to make a complaint**

Method	Description	Contact details
<b>Telephone</b>	This may be when you call our Contact Centre and can also be when you are speaking to any employee.	Phone: 13 64 63
<b>Email</b>	Sent to our complaints related email addresses. Complaints may also be emailed directly to any employee's email address.	<a href="mailto:help@mine.com.au">help@mine.com.au</a> or <a href="mailto:complaintsofficer@mine.com.au">complaintsofficer@mine.com.au</a>
<b>Website</b>	By completing the online form available from the Contact Us page on the Fund website. This online form should also be used for lodging a complaint about advice services provided by Mine Super Services.	Contact Us page <a href="https://www.mine.com.au/about-us/contact-us/contact-us">https://www.mine.com.au/about-us/contact-us/contact-us</a>
<b>Letter</b>	By sending us a letter delivered to any one of our offices. Office addresses are shown in Section 13.	Postal address: Super – PO Box 9, Newcastle, NSW, 2300
<b>Social media</b>	Via a post on our social media channels.	LinkedIn page <a href="https://www.linkedin.com/company/mine-super">https://www.linkedin.com/company/mine-super</a>
<b>In person</b>	In person when attending one of our offices or during an appointment with one of our employees.	Office addresses are shown in Section 13 of this Document.

Method	Description	Contact details
<b>Australian Financial Complaints Authority (AFCA)</b>	Lodged directly with AFCA in accordance with their required processes. AFCA's contact details are shown in Section 12.	Website – <a href="http://www.afca.org.au">www.afca.org.au</a> Email – <a href="mailto:info@afca.org.au">info@afca.org.au</a> Telephone – 1800 931 678 (free call) In writing to – Australian Financial Complaints Authority, GPO Box 3, Melbourne VIC 3001

If your complaint is about insurance in superannuation you are able to lodge your complaint with us or with the Fund's insurer, TAL. When you lodge your complaint with TAL, irrespective of whether TAL or Mine Group respond to your complaint, the timeframes set out in Section 7 below will apply from the date the complaint is first lodged with either one of the parties. We maintain oversight and visibility on all complaints lodged with TAL. TAL's contact details for complaints are:

Phone: 1300 795 877  
 Email: [IDRcomplaints@tal.com.au](mailto:IDRcomplaints@tal.com.au)  
 Post: Reply Paid, GPO Box 5380 Sydney NSW 2001

## 7. Timeframes to make a complaint to us

For most complaints made to the Mine Group no timeframes apply. However, in respect of death and disability complaints, there are instances where maximum timeframes apply in order for your complaint to be considered by us. These are outlined in the table below.

**Table 3: Types of complaints and timeframes to make these complaints**

Type of complaint	Circumstance	Timeframes
<b>Death benefit</b>	Where a valid notice of distribution has been provided to interested persons <sup>2</sup> .	An interested person must object to the Trustee within 28 days of being given notice of the proposed decision to pay the death benefit. A notice is considered to be 'given' to you on the date you receive it.
<b>Death benefit</b>	Where an interested person has not been notified or the notice of distribution was invalid because it contains an error.	The 28 day notice periods outlined above does not apply.
<b>Disability benefit</b>	Where there was permanent cessation of employment due to a physical or mental condition which gave rise to the claim, and where your complaint is about a decision of the Trustee in relation to the payment of a disability benefit because of total and permanent disablement.	You must have made a claim for payment of the benefit within 2 years of permanently ceasing employment.  The date of cessation of employment for this purpose is the date your employment was formally terminated and not the date you were last able to work.

If the above timeframes are not met, you may not be able to access the external complaints resolution service offered by the Australian Financial Complaints Authority (AFCA) described in

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<sup>2</sup> An interested person is defined as a person who is eligible under superannuation law to receive all or part of the death benefit under the governing rules. This is generally a dependent of the deceased member (spouse, child, any person who had an interdependency relationship with the deceased member and any person who was financially dependent on the deceased member) and/or the legal personal representative of the deceased member. Where there is no legal personal representative or dependant this may be another person, for example a family member.

Section 12 of this Document. There are also timeframes which apply to making a complaint with AFCA and these are outlined in Section 8.

## 8. Timeframes in which we will manage and resolve your complaint

There are phases and activities undertaken to manage and resolve your complaint. Within these phases there are internal and regulatory timeframes that apply to completion of the activities. These are summarised in Table 4 below.

**Table 4: Phases and activities and applicable timeframes to manage your complaint**

Type of complaint	Phase	Timeframes to undertake activity
All complaints	Acknowledging receipt of complaint	Within 24 hours, not including the day of receipt. If this is not possible, as soon as practicable.
Certain complaints	Keeping you informed on progress to your complaint	For certain complaints, verbal or written update every 15 calendar days until resolution except where there is regular contact with you during the 15 calendar day period.
All complaints	Identifying a delay in resolution - identification of possibility that the maximum allowable complaint resolution timeframes will not be met	Written notice 3 working days prior to the timeframe being reached.
Privacy related complaint	Resolving your complaint	Written response within <b>30 calendar days</b> after receiving the complaint (calendar days does not include the day of receipt). Refer to Section 11.2 for more detail on these complaints.
Financial Advice related complaint: <ul style="list-style-type: none"> <li>resolved to your satisfaction; or</li> <li>where an explanation or apology has been given to you and no further action can be taken by us to resolve your complain</li> </ul>	Resolving your complaint within 5 working days of receipt of complaint	<ul style="list-style-type: none"> <li>5 business days for a verbal resolution response (business days does not include the day of receipt).</li> <li>5 business days for a written resolution response (business days does not include the day of receipt) if requested by you.</li> </ul>
Financial Advice related complaint	Resolving your complaint after 5 working days of receipt	Written resolution response within <b>30 calendar days</b> after receiving your complaint

Type of complaint	Phase	Timeframes to undertake activity (calendar days does not include the day of receipt).
Superannuation complaints not relating to a death benefit distribution	Resolving your complaint	Written response within <b>45 calendar days</b> after receiving your complaint (calendar days does not include the day of receipt).
Superannuation death benefit distribution complaint	Resolving your complaint	Written response within <b>90 calendar days</b> (calendar days does not include the day of receipt) <b>after expiry of the 28 day period for objecting to the distribution decision</b> (being 28 calendar days after the notice was given to the intended recipient). A notice is considered to be 'given' on the date it is received. Refer to Section 11.1 for more details on these complaints.

There is an allowance for circumstances that prevent your complaint from being resolved within the maximum timeframes shown above. These circumstances are known as **Approved Delay Exceptions** and are outlined below.

### 8.1 Approved Delay Exceptions

Approved Delay Exceptions may be applicable to your complaint where there is no reasonable opportunity to provide a response within the maximum allowable timeframes. Some common examples of the circumstances in which these can arise are detailed in Table 5 below.

**Table 5: Approved Delay Exceptions**

Circumstance	Example of issue that may give rise to the circumstance
Resolution of your complaint is complex	<ul style="list-style-type: none"> <li>Your complaint is about a transaction or event that occurred more than 6 years ago and requires reconstruction of your account information.</li> <li>Your complaint is about a superannuation death benefit distribution involving multiple submissions from potential beneficiaries with competing information and the status of the relationship or levels of financial dependence.</li> </ul>
There are circumstances beyond our control causing complaint management delays	<ul style="list-style-type: none"> <li>You are waiting on a medical appointment which we reasonably require you to attend.</li> <li>You are unable to respond to our requests for information etc due to illness or absence.</li> <li>We require information from third parties to your complaint (excluding from your authorised representative who is party to your complaint).</li> <li>In respect of a death benefit distribution we are waiting on information requested from potential beneficiaries to the death benefit to substantiate their claim.</li> </ul>

## 9. Timeframes for making a complaint to AFCA

As outlined in Section 7, in certain circumstances there are timeframes in which you are required to make complaints to AFCA so that AFCA is able to assist you. These are outlined in the Table 6 below.

**Table 6: Timeframes for making a complaint to AFCA**

Type of complaint	Matters for consideration	Timeframes for lodgement of complaints with AFCA
<b>General complaints</b>		Although not a strict requirement, AFCA strongly recommends that your complaint be made <b>within 2 years of receiving our complaint decision</b> from us. However they will consider complaints outside of this timeframe if the reason for a delay is reasonable.
<b>Death benefit complaint</b>	Where a valid notice of distribution has been provided to interested persons*.  * Refer to the footnote at the bottom of page 5 for an explanation of the term 'interested person'.	The interested person must complain to AFCA within <b>28 days of being notified^ by us of the final decision to pay the death benefit</b> . The 28 day periods recommence if the original decision is subsequently changed. ^ the date of being notified is the date that the notice was received by the intended recipient.
<b>Death benefit complaint</b>	Where an interested person has not been notified or the notice of distribution was invalid because it contains an error.	The 28 day notice periods outlined above do not apply.
<b>Disability benefit complaint</b>	Where there was permanent cessation of employment due to a physical or mental condition which gave rise to the claim, and where the complaint is about a decision of the Trustee in relation to the payment of a disability benefit because of total and permanent disablement.	You must have made a claim for payment of the benefit <b>within 2 years of permanently ceasing employment*</b> and must have submitted your complaint to AFCA within <b>4 years of the decision# about the disability claim</b> . * Cessation of employment is deemed to occur on the date your employment is formally terminated and not the date you were last able to work. # the timeframe is counted from the original decision date and not from the date of any subsequent review decision or change in original decision.
<b>Disability benefit complaint</b>	Where there was no permanent cessation of employment due to a physical or mental condition which gave rise to your claim for disability and where your complaint is about a decision of the Trustee in relation to the payment of a disability benefit.	You must have submitted your complaint to AFCA <b>within 6 years of the Trustee's decision about your disability claim</b> .



Type of complaint	Matters for consideration	Timeframes for lodgement of complaints with AFCA
Taxation contribution statement related complaint		You must have submitted a complaint to AFCA <b>within 12 months of being given the written notice</b> from the Fund.

AFCA is able to extend the timeframes above in certain circumstances and they are satisfied that your complaint can be effectively resolved despite the delay.

## 10. Complainants and Vulnerable Customers

We will manage our complaints with fairness and objectivity. Where you self-identify or we identify that you are a vulnerable customer, we will apply the practices outlined in our Guidance for Vulnerable Customers to assist you with managing and resolving your complaint.

## 11. How we will handle your complaint

We will attempt to resolve your complaint on a first point of contact resolution basis. This means that the person to whom you make your complaint will attempt to resolve it at that time. Where that is not possible, we will attempt to resolve your complaint as quickly as possible.

The steps we will take to resolve your complaint are outlined in Table 7 below.

If your complaint is in relation to a death benefit distribution, the steps we will take to resolve your complaint are outlined in Section 11.1.

**Table 7: Steps to resolve your complaint**

Steps	Explanation	Additional details
Receive the complaint from you or your representative		Methods for making a complaint are outlined in Section 6
Acknowledge the complaint	The method we use to acknowledge your complaint will depend on the method you use to lodge the complaint and any communication preferences advised by you.	This may be via telephone, email, letter or in person.
Register the complaint in our system	We maintain a Complaints Register which includes all relevant information in relation to your complaint.	
Investigate the complaint	We will investigate your complaint on its own merits and take into account relevant circumstances. We may ask you for additional information via telephone or in writing to help us resolve your complaint.	We will consider matters that are relevant to your complaint such as (but not limited to): <ul style="list-style-type: none"> <li>written and verbal evidence and information;</li> <li>documents issued to and received from you;</li> <li>previous contact between us and you;</li> </ul>

Steps	Explanation	Additional details
		<ul style="list-style-type: none"> <li>• previous decisions made by us on the complaint;</li> <li>• documentation provided by other relevant parties;</li> <li>• your desired outcome;</li> <li>• the requirements of our policies, legislation and regulations relevant to the complaint;</li> <li>• options available to resolve your complaint.</li> </ul>
<b>Provide an update on progress to resolving your complaint</b>	For certain complaints we may contact you every 15 calendar days during the investigation and resolution phase to keep you informed on progress to resolution of your complaint.	This update will generally be via telephone or email. If your complaint falls into this category and we have had regular contact with you during the 15 day period (for example where we are in touch for additional requirements and information) we may not provide you with a 15 day update if the regular contact is sufficient for you to have knowledge of progress on your complaint.
<b>Issue an IDR delay notice if required</b>	If we identify that it is unlikely we will meet the maximum allowable complaint resolution timeframes (45 days for a superannuation complaint, 30 days for an advice and privacy complaints) we will send you a Delay Notice setting out reasons for the delay and other relevant information.	Written notice 3 working days prior to the maximum allowable complaint resolution timeframe being reached
<b>Resolve the complaint and advise how it has been resolved</b>	We will resolve the complaint and advise you of our decision and how we came to our decision.	The timeframes outlined in Steps 4 and 6-8 of Table 4 (whichever is relevant to your complaint) will be adhered to when resolving your complaint.

### 11.1 Complaint about a death benefit distribution decision

When we receive an objection or complaint in relation to a death benefit distribution the following steps will be taken to resolve your complaint:

**Table 8: Steps to resolve a death benefit distribution decision**

Steps	Explanation	Additional details
<b>Receive the complaint from you or your representative</b>		Methods for making a complaint are outlined in Section 6.
<b>Acknowledge the complaint</b>	The method we use to acknowledge your complaint will depend on the method	This may be via telephone, email, letter or in person.

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Steps	Explanation	Additional details
	you use to lodge the complaint and any communication preferences advised by you.	
<b>Register the complaint in our system</b>	We maintain a Complaints Register which includes all relevant information in relation to your complaint.	
<b>Investigate the complaint</b>	We will investigate your complaint on its own merits and take into account relevant circumstances. We may ask you for additional information via telephone or in writing to help us resolve your complaint.	<p>We will consider matters that are relevant to your complaint such as (but not limited to):</p> <ul style="list-style-type: none"> <li>• written and verbal evidence and information;</li> <li>• documents issued to and received from you;</li> <li>• previous contact between us and you;</li> <li>• previous decisions made by us on the complaint;</li> <li>• documentation provided by other relevant parties;</li> <li>• your desired outcome;</li> <li>• the requirements of our policies, legislation and regulations relevant to the complaint;</li> <li>• options available to resolve your complaint.</li> </ul>
<b>Issue an IDR delay notice if required</b>	If we identify that it is unlikely we will meet the maximum allowable complaint resolution timeframes (45 days for a superannuation complaint, 30 days for an advice and privacy complaints) we will send you a Delay Notice setting out reasons for the delay and other relevant information.	Written notice 3 working days prior to the maximum IDR timeframe being reached.
<b>Affirm the original decision and provide written resolution</b>	All potential beneficiaries will be provided with the same information we provide to you taking into account our privacy law obligations.	Relevant details will be provided on the decision made to resolve your complaint, your right to lodge a complaint with AFCA including applicable timeframes.
<b>Amend the original decision</b>	All potential beneficiaries will be provided with the same information we provide to you taking into account our privacy law obligations.	Relevant details will be provided on your right to lodge a further complaint with the Trustee including applicable timeframes.
<b>Finalise the decision and resolve the complaint and advise how it has been resolved</b>	We will resolve the complaint and advise you of our decision and how we came to our decision.	The timeframes outlined in Steps 4 and 6-8 of Table 4 (whichever is relevant to your complaint) will be adhered to when resolving your complaint.

## 11.2 Privacy related complaints

If your complaint is about a privacy related matter and it is not resolved to your satisfaction, as well as referring your complaint to AFCA (refer to Section 12 below), you are also able to refer your complaint to the Office of the Australian Information Commissioner (OAIC) on:

Phone: 1300 363 992

Email: [foi@oaic.gov.au](mailto:foi@oaic.gov.au)

Post: GPO Box 5288, Sydney NSW 2001

Website: [www.oaic.gov.au](http://www.oaic.gov.au).

## 12. Lodging a complaint with AFCA (external dispute resolution service)

If your complaint has not been resolved by us to your satisfaction, or if we do not respond to your complaint within the maximum time limits set out in Section 8, you are able to lodge a complaint with AFCA.

AFCA provides fair and independent financial services complaint resolution that's free to consumers. AFCA's contact details are:

- Website – [www.afca.org.au](http://www.afca.org.au)
- Email – [info@afca.org.au](mailto:info@afca.org.au)
- Telephone – 1800 931 678 (free call)
- In writing to – Australian Financial Complaints Authority, GPO Box 3, Melbourne VIC 3001

AFCA may join another party to your complaint if it considers this to be appropriate. For example, AFCA may join one or all competing beneficiaries in a death benefit distribution complaint or they may join TAL in an insurance related complaint. If AFCA takes this action they will advise us, you and all other parties to your complaint of this action.

We will comply with all information and other requests from AFCA and undertake all necessary actions to work with AFCA in a cooperative manner with the objective of resolving your complaint in a fair and equitable manner. This includes participation in any mediation meetings with AFCA and you and discussions with AFCA.

### **13. Office Details**

Shown below are the locations of our offices where you can lodge a complaint in person.

#### **NSW**

Warners Bay - 472 The Esplanade, Warners Bay NSW 2282

Wollongong - 636 Northcliffe Drive, Kembla Grange NSW 2526

#### **QLD**

Mackay - 33 Milton Street, Mackay QLD 4740

Rockhampton - 127 East Street Rockhampton QLD 4700