

# PERSONAL IDENTIFICATION INFORMATION IN PROPERTY DATA - CODE OF CONDUCT

CODE OVERSIGHT COMMITTEE

GUIDELINES TO THE  
TERMS OF REFERENCE

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# GUIDELINES TO THE TERMS OF REFERENCE

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## INTRODUCTION

The Personal Identification Information in Property Data Code of Conduct was developed within the information broking industry to ensure that data about property ownership, in particular information which identifies the owners, buyers and sellers, is managed responsibly and is used in accordance with the licences issued by government. The use of personal information for unsolicited direct marketing is prohibited under the Code and individuals can request that information identifying them personally be removed from databases used by the brokers. The Code also provides a means for members of the public to lodge complaints about the use of data pertaining to them, to have those complaints investigated, and for actions to be taken to ensure compliance with the Code by both those brokers who are subscribers to the Code and those that acquire data from those brokers.

Subscription (membership) to the Code is open to all information broker organisations. Agreement by a broker to become a Code subscriber is voluntary. However, information identifying persons, who are owners, buyers or sellers, is only made available through the Queensland Government to brokers who have agreed to be bound by the Code. This identifying information is not made available to other brokers.

A Code Oversight Committee (the Committee) has been formed and it has the responsibility to ensure compliance with the Code of Conduct by those brokers who are subscribers.

It is recommended that persons (consumers) who have complaints should raise those first with the information broker company they believe may have misused the personal information before referring their complaint to the Committee. If the complaint has not been resolved to the consumer's satisfaction within 30 days, the complaint can then be referred to the Committee.

The structure and operation of the Committee, and the powers and duties of the Committee are set out in these Terms of Reference.. Future changes to the Terms of Reference may be made by the Code Oversight Committee, in consultation with its stakeholders.

## COMMENCEMENT DATE

The commencement date for the Code was 1 October 2009

## STRUCTURE OF THESE GUIDELINES

These Guidelines have been prepared to assist interested parties in understanding the powers, duties and procedures of the Code Oversight Committee. The Guidelines should be read in conjunction with the Code of Conduct and are divided into the following sections:

1. Structure of the Committee and funding
2. Scope of eligible complaints and who can lodge a complaint
3. The types of complaints the Committee will consider
4. Committee's power in relation to complaints
5. Limits of Committee's power in relation to complaints
6. Other powers and duties of the Committee
7. Committee may require information in relation to a complaint
8. How the Committee makes a decision

## **SECTION 1 - STRUCTURE OF THE CODE OVERSIGHT COMMITTEE AND FUNDING**

### **1.1 Corporate structure**

The Committee consists of three individual members and is recognised by the Code and those brokers who subscribe to the Code. It is not a separate legal entity in itself.

### **1.2 The Committee**

The Committee consists of three members; one each from industry and consumer groups, and an independent Chair. The Committee is not a government body. However, the Code of Conduct has been agreed with the Queensland Government and it nominates the Chair and the Consumer representative.

The Committee performs the following tasks

- approve applicants as Code Subscribers
- implement and maintain a Register of Code Subscribers
- implement and maintain a Register of Excluded Parties and Request Suppressions
- monitor compliance with the Code
- receive, refer, and investigate complaints
- perform other tasks required to ensure effective operation of the Code
- amend the Terms of Reference from time to time after appropriate consultation with stakeholders, and
- provide reports to government.

The Committee may delegate the operational requirements of the Registers and impose time limits for the updating and checking of the Registers referred to above.

### **1.3 Funding**

The Code Oversight Committee is entirely industry funded. There is no cost for consumers to lodge a complaint. The Committee's costs are met by contributions from participating subscribers to the Code. Each subscriber pays

- an annual participation fee
- a fee for each complaint referred to the Committee about that particular subscriber and
- an additional amount based on the time taken by the Committee to investigate and resolve complaints between a consumer and the relevant subscriber.

## **SECTION 2 - SCOPE OF ELIGIBLE COMPLAINTS AND WHO CAN LODGE A COMPLAINT**

### **2.1 Definition of a consumer**

A *consumer* is defined as an individual whose personal information appears in any field in the Department of Environment and Resource Management (DERM) database of valuations and sales, known as QVAS (Queensland Valuations and Sales System).

## 2.2 Personal Information

Personal information is defined as information or an opinion, whether true or not, and whether recorded in a material form or not, about an individual or individuals whose identity is apparent or can reasonably be ascertained from information or opinion. Under the Code the personal identified information of consumers which can be suppressed in Code Subscriber databases is the name or names of the persons owning property and the service address for notices for that property.

For avoidance of doubt, personal identified information does not include the address of property nor any of the transaction details, e.g. purchase price, or date of purchase.

## 2.3 Individuals: complaints in writing and authority to disclose

In order to have a complaint considered, a consumer must submit their complaint in writing together with a written authority that allows the Committee to obtain information from, and disclose information to, the Code subscriber, about the complaint being made.

If the information that is the subject of the complaint is held jointly, all named persons will generally be required to sign the complaint and the authority.

## 2.4 What if the authority is not signed by all persons?

Because the duties of the subscriber are owed jointly and severally to the consumer, the Committee will consider a complaint lodged by only one of the two or more consumers who may jointly own a property or properties.

## 2.5 Authorised representatives

As a rule, consumers may authorise a third party to lodge a complaint and deal with the Committee on their behalf. However, paying the costs of any representation (e.g. a solicitor) will be the responsibility of the consumer. The Committee does not have powers to award costs even if a complaint is upheld.

# SECTION 3 – WHAT TYPES OF COMPLAINTS DOES THE COMMITTEE CONSIDER

## 3.1 Definition of a complaint that may be referred to the Committee

A complaint can be defined as a *complaint* by a consumer or government agency to the subscriber concerning

- a product or service or
- privacy issue

which has not been resolved through the internal complaint resolution process of the subscriber within 30 days after notification that it exists, or the consumer has notified the subscriber that its formal proposal to resolve the complaint is not acceptable, whichever is the earlier.

A complaint must also satisfy the definition of *Complaint* before it can be considered by the Committee.

Complaint means a complaint by consumers to a subscriber concerning

- (a) any act or omission by a subscriber in relation to a subscriber's product or service
- (b) any act or omission by a subscriber relating to personal privacy information

It must be unresolved by the subscriber's internal complaint resolution process.

### 3.1.1 Any act or omission

An act or omission includes offering, withholding, providing and administering a subscriber's service.

For example, consumers may complain about the use or management of a subscriber's service. They may also complain about the failure or refusal of a subscriber to provide a service where there is an obligation to do so. Some examples of the types of complaints are

- a subscriber fails to action a suppression request
- a subscriber fails to action a suppression request within the 30 day time frame
- a subscriber fails to manage a complaint in accordance with its obligations as set out in the Code
- a subscriber acts or engages or repeats a practice that is contrary to or inconsistent with the Code.

### 3.2 Subscribers

The Committee can consider complaints about acts or omissions by a subscriber that has entered into an agreement to comply with the Code, which makes the Code binding on that organisation. Effectively this means any subscriber whose application for membership has been approved by the Committee can be the subject of a complaint.

An up-to-date list of these subscribers can be obtained on the Code's website ***www "XYZ".com .au.*** ***(need to confirm)***

The Committee can only consider a complaint if, at the time the complaint arose, the organisation responsible was a Code subscriber, a customer of a Code subscriber, or other related party.

### 3.3 Complaints about privacy

Individuals may lodge a complaint where they believe their privacy may have been breached.

A small business, company, or trust does not have a right to request suppression of information under the Code, and cannot therefore lodge a complaint with the Committee.

The Committee can only consider a complaint involving a privacy issue if it is satisfied that

- the consumer is a natural person and

- the complaint relates to information which is personal identified information as defined in the Code.

### 3.3.2 Examples of complaints the Committee may consider

The following are some examples of acts or omissions in relation to a breach of privacy that might arise. The Code strictly prohibits any form of direct marketing and so the following would be seen as a breach of the Code's requirements

#### Acts

Releasing information about a person's name and service address to a related entity, when that information has been the subject of a request for suppression..

#### Omissions

Failure of a subscriber to comply with a suppression request or a failure to keep up to date those records which are in use.

## SECTION 4 – COMMITTEE'S POWER IN RELATION TO COMPLAINTS

If the Committee is satisfied on the basis of evidence, provided by the parties, that the subscriber is in breach of its obligations under the Code then the Committee may make a decision.

### 4.1 Decisions

In making a decision the Committee may make any of the following types of orders

- require the subscriber to undertake immediate remedial action including, but not limited to, changes to documentation, and/or changes to business processes, and/or advertising
- require the subscriber to remove specified personal information from its data
- require the subscriber to cease providing data and/or services to a subscriber customer or other third party
- require the subscriber to apologise to affected parties
- require the subscriber to undertake privacy training
- issue a warning to a subscriber regarding the impact of any further breaches on future sanctions
- suspension of Code membership for 1- 6 months (note that this results in suspension of the QVAS user licence)
- permanent suspension of Code membership and permanent listing on Register of Excluded Parties (note that this results in revocation of QVAS user licence) Refer to Section on Systemic issues and
- publication of the name of the subscriber.



## **SECTION 5 - LIMITS ON THE COMMITTEE'S POWERS IN RELATION TO COMPLAINTS**

The Committee has an absolute discretion to decide whether or not to consider a complaint. The circumstances in which the Committee may decline to consider a complaint include

- where the information provided indicates that the Committee could not fairly and reasonably exercise the complaint resolution powers; or
- where the complaint is outside the Committee's powers or authority as provided for by the Code; or
- where consumers do not authorise the subscriber to disclose confidential information to the extent necessary to permit the Committee to have access to and consider such information in the course of considering the complaint.

### **5.1 Complaints outside the Code**

The types of complaints that the Committee may consider but decide not to act on, may include

- complaints that are more appropriately dealt with in another forum, provided that they do not involve a breach of the Code;
- complaints that are considered to be frivolous or vexatious, or on the balance of probabilities have or are considered to have no basis in fact;
- complaints that have not first been considered by the subscriber
- complaints that arose prior to the date of commencement of the Code, 1 October 2009;
- complaints that the Committee has already considered and made a decision on, and there are no reasonable grounds for the matter to be re-opened;
- complaints where the consumer has not waived his or her rights of confidentiality to enable the Committee to access otherwise confidential information; or
- requests to award financial compensation to consumers.

### **5.2 Settlement already reached with subscriber or the internal complaint process has not been satisfied**

In addition to the types of complaints listed above, the Committee will not normally consider a complaint which has previously been settled. For example, the same claim has previously been made and the subscriber has offered a resolution as final settlement of the complaint and the consumer has accepted it. An exception may arise if the complaint is evidence of serious or systemic breaches of the Code.

Each subscriber is required to have an internal complaint process to deal with consumers' complaints. Consumers must try to resolve their complaint with the subscriber before the Committee can consider the matter. If consumers make contact with the Committee before using the subscriber's internal complaint process, then they will be referred to the correct person in authority at the subscriber's office to give them the opportunity to resolve the matter.

The Committee cannot consider the complaint until

- 30 days have elapsed since the consumer lodged the complaint with the subscriber's complaint resolution process, and the matter has not been resolved; or
- the consumer has notified the subscriber that its formal proposal to resolve the complaint is unacceptable, whichever is the earlier.

### **5.3 Complaints outside the Committee's time limits**

The Committee may not exercise any of the complaint resolution powers

- if the act or omission to which the complaint relates took place more than 12 months before the date on which the consumer made the complaint to the subscriber in writing;
- if the event occurred before the subscriber became a subscriber to the Code\*; or
- if the complaint is between a consumer and an agent, the business of which has been acquired by a subscriber, and if that agent was not a agent of the subscriber at the time the events (which are the subject of the complaint) occurred.

\* However, where a complaint relates to a series of events that commenced prior to the subscriber's date of membership and continued after this date, the Committee is able to consider the matter in its entirety (including those events that occurred prior to membership).

### **5.4 Complaints already considered by the Committee**

The Committee may not exercise any of the complaint resolution powers if the subject matter of the complaint has already been considered. This provision does not prevent the Committee from reconsidering a case which has been previously closed, on the understanding that it may be reopened on the happening of some specific event. If that event occurs, the Committee will recommence its investigation of the complaint.

## **SECTION 6 - OTHER POWERS AND DUTIES OF THE COMMITTEE**

The Committee's core function is complaint resolution. In addition to this central role, the Committee is also required to perform a number of tasks as specified in the Code.

### **6.1 Management**

The Committee must properly exercise all the administrative, functional, and operational powers stated in the Code. The Committee must

- implement, maintain and manage a Register of Excluded Parties. The management and maintenance of this register may be delegated to a third party service provider;
- manage the registration of Code subscribers and maintain an accurate and up to date Register of Code subscribers;
- investigate, and make a determination on, any complaints regarding breaches of the Code that have not been resolved by internal complaints processes;

- investigate, and to make a determination on, any matter that otherwise comes to the attention of the Code Oversight Committee regarding breaches of the Code;
- appoint and manage an Independent Arbiter as required from time to time;
- impose sanctions on Code subscribers who breach the Code;
- prepare and publish an annual report on Code administration and compliance;
- commission, manage and publish an independent review of the Code every three years
- implement, manage and maintain an accurate and up to date Register of Request Suppressions;
- if necessary, audit Code subscribers' compliance with the Code; and
- perform such other tasks necessary or desirable for the effective operation of the Code.

## **6.2 Consumer awareness of Committee**

The Committee must ensure that the existence of the Committee is actively promoted. The Committee must publish and promote details about how the Committee functions. This should include how a complaint can be lodged, assistance which is available to consumers and the time frames which are imposed on the procedure.

## **6.3 Collection of information**

The Committee must collect and record the following information

- the number of complaints received
- the number of enquiries received
- the number of complaints received that fall outside the provisions of the Code (with reasons)
- the time taken to resolve complaints
- a profile of complaints to enable identification of
  - the subscriber
  - the underlying cause of the complaint and
  - any systemic issues or other trends.

## **6.4 Reporting to regulatory authorities**

The Committee must report on systemic issues. A systemic issue is one that will have a material effect which will clearly extend beyond the parties to a complaint. Some examples of systemic issues are

- a significant breach of the Code resulting in substantial harm to consumers and or damage to the reputation of the industry;
- repetitive or ongoing non-compliance;
- failing to comply with the Committee's request to remedy a breach or failure to do so within a reasonable time; or
- breach an undertaking given to the Committee;

## 6.5 Systemic Issues

The Code sets out guidelines, which the Committee follows when dealing with systemic issues. The obligations of the Committee are

- to identify systemic issues that arise from its consideration of complaints;
- to refer these matters to the subscriber for response and action; and
- to impose remedies or sanctions.

Sanctions that may be imposed on subscribers are

- publication of the name of the subscriber and the nature of the serious or systemic breach in the annual code compliance report;
- suspension of Code membership for 1 to 6 months with this possibly resulting in suspension of QVAS licence; or
- permanent suspension of Code membership and permanent listing on Register of Excluded Parties (note that this results in revocation of QVAS user licence)

## SECTION 7 - COMMITTEE MAY REQUIRE INFORMATION

The Committee may request both the subscriber and the consumer to provide information that the Committee reasonably considers necessary for, or of assistance in, exercising the complaint resolution powers. The subscriber must provide to the Committee any information required unless

- it certifies in writing that after all reasonable efforts it has been unable to obtain any waiver of confidentiality necessary to enable it to release the information or
- the information relates to a physical or electronic security measure employed by the subscriber. A consumer is not obliged to provide any information to the Committee. However, unless the Committee considers that, it would be unreasonable to do so; consumers should be encouraged to provide any information requested by the Committee.

If, as a minimum, information requested by the Committee is not made available or authorised to be made available by or on behalf of the consumer, the Committee may decide that it is unable fairly and reasonably to exercise the complaint resolution powers. It may then notify the subscriber and the consumer that the Committee does not intend to further exercise the complaint resolution powers.

The Committee complaint resolution procedures are “inquisitorial” which means simply that the Committee asks questions of the parties and requires information from them. Consumers and subscribers need to be prepared to answer questions about their claims or views, and to provide supporting information wherever possible. In all cases, the parties must provide information relevant to the complaint, and not just those documents that may seem favorable to their claim. The Committee expects the parties to act in good faith in the resolution of the complaint.

### 7.1 Information from consumers

If a consumer elects not to provide specific information or documentation in response to a request from the Committee, then this may mean that the Committee is unable to consider the complaint and the consumer will need to pursue the matter in another forum. This is a matter that the Committee will decide.

## **7.2 Information from subscribers**

When the Committee receives a written complaint, consumers will be asked to sign an authorisation form which allows the subscriber to provide information relating to the complaint. Once this authority has been received by the subscriber, it should be prepared to provide any information in the form of a written response as requested by the Committee within the given time frame.

In some cases where the subscriber has referred the complaint to the Committee, an authority may already have been obtained by the subscriber.

## **7.3 Third party information**

Information about a third party may, depending on the case, be directly relevant to the complaint and its resolution.

The Committee acknowledges that subscribers have obligations to their consumers and third parties under privacy legislation, and there may be some circumstances where the provision of information without obtaining a third party's consent would breach the privacy of that person. However, the Committee would not consider the subscriber to be breaching a third party's privacy, and it would expect the subscriber to provide information, even if it related to a third party.

## **7.4 Failure to provide information – subscriber**

If a subscriber fails to respond to a request for information within a reasonable time frame, or fails to make contact to request an extension, then it runs the risk that the complaint will proceed based only on the information that is available to the Committee.

## **7.5 Decision-making criteria**

In considering a complaint and in making any decision or recommendation, while exercising the complaint resolution powers, the Committee must

- (a) observe any applicable rules of law, or relevant judicial authority or precedent
- (b) have regard to the Code of Conduct
- (c) have regard to good industry practice and
- (d) have regard to what is fair and reasonable in all the circumstances.

Where a subscriber is a signatory to the Code the Committee will assess any relevant complaint by reference to the applicable Code.

## **7.6 Good industry practice**

The Committee treats the criterion of “good industry practice” as a broad model of corporate behaviour in the industry. It can refer to the manner in which a subscriber should handle information, communicate with consumers, and generally conduct its business in any given set of circumstances. There is no comprehensive definition of what constitutes good industry practice for all situations that might arise. The requirement of good industry practice relevant to a particular case may raise the standard of care beyond that which a subscriber owes at law.

### **7.7 Fair and reasonable in all the circumstances**

The criterion of “fair and reasonable in all the circumstances” allows the Committee to temper a strict application of the law with considerations of equity and good conscience. It does not mean that it disregards the law, Codes or industry practice. However, it does mean that it may make a decision that

- takes into account the specific circumstances of a individual case
- allows for the available information to be balanced or weighed up
- recognises that in some circumstances a higher standard of care may be owed by a subscriber because of the requirements of good industry practice

## **SECTION 8 - HOW THE COMMITTEE MAKES A DECISION**

The functions, powers and duties of the Committee include

(a) facilitating the use of available complaint resolution methods which the Committee considers in its absolute discretion to be appropriate for the satisfactory resolution or withdrawal of complaints by agreement between the parties and

(b) in the absence of agreement between the parties, making decisions in accordance with the powers conferred by the Code.

The Committee must determine, prepare, publish, and has an absolute discretion from time to time to amend complaint resolution procedures which will apply to complaints, provided they are consistent with and promote the complaint resolution powers, and are not inconsistent with the Code. This is generally done in conference with industry.

Details of the complaint resolution procedures published by the Committee must be provided by subscribers to consumers on request. This information is also to be given to consumers if a satisfactory resolution to a complaint has not been reached. The Code contains clauses about how the Committee should reach a decision about a complaint, and what procedures should be followed in reaching a decision. They also give the Committee discretion to set additional procedures, provided they are consistent with the requirements set out in the Code. These additional procedures may, for instance, provide for less formal alternatives to some of the strict procedural steps outlined in the Code.

The Committee procedures, which are modified and updated from time to time are available on the website. These deal with all matters from lodging a complaint to response time frames and details of the investigation process.

The following is a brief summary of the procedures the Committee follows after it has received a written complaint from a consumer.

## **8.1 Consumer must try to resolve with the subscriber first**

Each subscriber is required to have an internal complaint process to deal with consumers' complaints. Consumers must try to resolve their complaint with the subscriber before the Committee can consider the matter. If a consumer makes contact before using the subscriber's internal complaint resolution (IDR) process, the Committee will refer the consumer to the appropriate person so that the subscriber is given an opportunity to resolve the matter. All subscribers to the Code are to nominate a person who is to deal with consumer complaints.

The Committee cannot consider the complaint until

- 30 days have elapsed since the consumer lodged the complaint with the subscriber's complaint resolution process, and the matter has not been resolved or
- the consumer has notified the subscriber that its formal proposal to resolve the complaint is unacceptable, whichever is the earlier.

## **8.2 Receipt of complaint**

Where a complaint has not been resolved by the subscriber's internal complaints process, then the complaint should be lodged with the Committee in writing. There is also an alternative procedure for complaints to be directly referred to the Committee by the subscriber rather than the consumer. In these circumstances, the subscriber must request the consumer's written consent to forward all documents relating to the complaint to the Committee.

If consent is given, the subscriber must forward the documents to Committee and inform the consumer about the powers and procedures of Committee.

While this procedure is available to subscribers and consumers, in most cases, complaints are lodged by consumers themselves.

When the Committee receives a written complaint the first matter to be considered will be whether the complaint falls within the Code.

## **8.3 Complaints that fall outside the Code**

If the Committee decides that a complaint is outside the Code, then it will advise the consumer accordingly. The Committee ultimately has the authority to decide whether a particular complaint falls within the Codes provisions.

In most cases, a decision about the Committee's jurisdiction will be made on receipt of the written complaint. However, on rare occasions the Committee may decide only after substantial investigations have been made that the complaint falls outside the provisions of the Code. In this situation, the Committee will cease its consideration of the complaint and inform both parties in writing.

## **8.4 Challenge by a subscriber**

A subscriber should not make any comment to a consumer about the application of the Code or unilaterally advise a consumer that a complaint is outside the provisions of the Code. This is a matter

for the Committee to determine. If a subscriber wishes to challenge jurisdiction to consider a particular complaint, then it should make a submission, as soon as possible after receiving the complaint, setting out the reasons for its view.

### **8.5 Complaint referred to subscriber**

Sometimes at this stage a complaint received by the Committee is a minor issue, i.e. one which the Committee believes can be resolved without going through the formal process. If this is the case it is not unusual for the Committee to contact the subscriber directly and attempt to resolve the matter. The relationship between the Committee and subscribers assist in the early resolution of complaints and eliminates the necessity for a drawn- out process.

If a complaint is considered to be within the provisions of the Code, the Committee sends the subscriber a copy of the complaint documentation with a covering letter to the nominated person, stating that the complaint has been lodged and a response is required from the subscriber within 14 days.

A letter is also forwarded to the consumer advising that this action has been taken. The subscriber may request an extension of time to provide its response, but must give reasons for the request. If the Committee considers the request to be reasonable, an extension of time may be given, and the consumer notified accordingly. There may be exceptional circumstances where the Committee will commence the investigation of a complaint before a response is received from the subscriber.

### **8.6 Investigation**

After a response from the subscriber has been received, there are several ways the complaint may progress. Depending on the circumstances of the complaint; if the Committee believes that sufficient documentation and information has been received, a summary report is completed and the Committee would make a decision.

If further documentation is required, a copy of the subscriber's response will be forwarded to the consumer for perusal and response. Again, the subscriber has the opportunity to view and respond to this documentation from the consumer.

If the Committee believes it is possible to negotiate a resolution to the complaint, it will contact the subscriber, the consumer, or both and a more informal approach would normally be adopted in these circumstances. The Committee will often facilitate such negotiated resolutions by liaising between both parties.

### **8.7 Summary report**

If there is no room for a negotiated settlement the Committee's view about the merits of the complaint must be set down in writing in the form of a written report which includes

- a summary of the complaint and the subscriber's response
- a summary of the issues raised by the complaint
- the Committee's analysis of the complaint, including the application of any relevant law, code, principles of good industry practice or fairness and



- the Committee's conclusion about the merits of the complaint and how the matter should be resolved.

## **8.8 Final Decisions**

The final step in the complaint resolution process is a decision by the Committee. The requirements for a decision are as follows.

- must be in writing and must state the reasons for the decision;
- must be notified to the subscriber and the consumer;
- must specify in detail the nature of the decision being made;
- must specify the action being taken

## **8.9 Enforcement of decisions**

Where a subscriber has agreed to take certain action to resolve a complaint, or has been required by a decision to take such action, it must do so promptly. If a time frame is agreed upon by the parties, this must be strictly followed. If no time frame is specified, the subscriber must take action within a reasonable period of either agreeing to the terms of settlement, or receiving a decision.

Failure to abide by the decision may place the subscriber in breach of the Code.

## **8.10 Independent Arbiter**

If either party is not satisfied with the outcome of the external complaints process they may elect to have the complaint referred to an Independent Arbiter.

Decisions of the Independent Arbiter will be binding on the subscriber.

The Independent Arbiter will be appointed by the Committee and the Committee may levy a charge on subscribers to meet the costs of the Arbiter. The Independent Arbiter process is free to the consumer.