

PIPA Complaints Handling Procedure

1 Scope

- 1.1 This Complaints Handling Procedure applies to complaints received by the Property Investment Professionals of Australia (**PIPA**) concerning PIPA members (**Members**).
- 1.2 A **Complaint** means any expression of dissatisfaction about a Member or the service provided by a Member, including any allegation that the Member has engaged in conduct in breach of the Code or any relevant law or regulation.
- 1.3 Capitalised terms are defined in clause 14.

2 Informal resolution

- 2.1 Wherever possible, complaints are best resolved informally by the people involved. It is expected that many complaints will be addressed and resolved between the Complainant and the relevant Member. In these circumstances no further action is required and it is not necessary for any action to be taken under this complaints handling process.
- 2.2 If the Complainant is not satisfied with the service or response from the Member or is of the view that resolution is unlikely, the Complainant has the option to progress the matter through this complaints handling procedure. This procedure provides the formal structure to review and investigate unresolved complaints.

3 Making a Complaint

- 3.1 A Complaint about a Member should be made in writing to PIPA (either electronically or in hard copy):
 - (1) PO Box 5400, Chittaway Bay NSW 2261; or
 - (2) info@pipa.asn.au;
- 3.2 Where a Complaint is received via telephone, the PIPA Representative will ask the Complainant to submit a written Complaint. Where the Complainant refuses or is unable to provide a written complaint (for any reason, including a disability or language difficulty), the PIPA Representative will inform the Complainant that they will make a file note of the telephone discussion which will form the basis of the Complaint. Where practicable, the PIPA Representative will ask the Complainant to verify and sign the file note made of the Complaint.
- 3.3 Complainants will not be charged any fee for submitting a Complaint.
- 3.4 A Complaint should include the following details:
 - (1) Personal details for the Complainant: full name and contact address/phone number.
 - (2) Details for the Member: full name of individual and/or trading name;
 - (3) Full details of the nature of the Complaint: full details of the conduct/circumstances which form the basis for the complaint. The Complainant should provide all documentary material that supports the Complaint;

- (4) Details of any contact made with the Member to seek to resolve the Complaint and the outcome of any such contact; and
 - (5) Details of the outcome that the Complainant ideally wishes to achieve.
- 3.5 The Complainant can request that his/her personal details not be disclosed to the Member. The personal details of the Complainant will only be used where required for the purpose of addressing the Complaint and will not otherwise be disclosed unless expressly consented to by the Complainant.
- 3.6 Anonymous Complaints will be investigated where sufficient detail is provided to substantiate a valid complaint. In these circumstances, however, any investigation may be affected by the inability to seek further information and details and no advice can be issued on outcomes to the Complainant.

4 Timeframes

- 4.1 PIPA will use reasonable endeavours to action and/or resolve a Complaint within twenty-two (22) Business Days from the date on which the Complaint is received by PIPA.
- 4.2 The following timeframes will apply (from the date a Complaint is received):
- (1) Written acknowledgement of the Complaint: 2 Business Days
 - (2) Preliminary Investigation: 5 Business Days
 - (3) Written notice of Preliminary Investigation outcome: 7 Business Days
 - (4) Full Investigation: 19 Business Days
 - (5) Written notice of Full Investigation outcome: 22 Business Days
- 4.3 If a Complaint cannot be addressed in accordance with the timeframes set out in clause 4.2 for any reason (including due to complexity of the Complaint, lack of information or special circumstances of the Complaint) the Conduct Officer will notify the Complainant and Member as soon as reasonably practicable.

5 Written acknowledgement of the Complaint

- 5.1 The Conduct Officer will acknowledge the Complaint in writing by sending a letter to the Complainant and Member within 2 Business Days of receipt of the Complaint.
- 5.2 The written acknowledgement will set out:
- (a) PIPA's understanding of the Complaint;
 - (b) resolution timeframes; and
 - (c) an overview of the investigation and complaint handling process.

6 Preliminary Investigation

- 6.1 The Conduct Officer will undertake a Preliminary Investigation of the Complaint within 5 Business Days of receipt of the Complaint.
- 6.2 The Conduct Officer will review the Complaint and make a determination as to whether there are reasonable grounds to proceed with a Full Investigation of the Complaint. A Full

Investigation of the Complaint will be conducted if the Complaint concerns conduct that may be in breach of the Code or any relevant law or regulation.

- 6.3 The Conduct Officer may conduct the Preliminary Investigation in the manner that it considers appropriate.
- 6.4 Following the Preliminary Investigation, the Conduct Officer will notify the Complainant and Member in writing of its determination:
 - (1) Complaint to proceed to Full Investigation; or
 - (2) Complaint has been reviewed and will be closed as no further action required.

7 Full Investigation

- 7.1 A Full Investigation of the Complaint will be undertaken and completed within 19 Business Days of receipt of the Complaint.
- 7.2 The Full Investigation will be undertaken by the Conduct Committee.
- 7.3 The Conduct Committee will investigate the Complaint (including obtaining and considering evidence) in accordance with the principals of natural justice and in the manner that it considers appropriate.
- 7.4 The Conduct Committee must contact the Member by telephone or arrange a meeting in person to give the Member the opportunity to respond to the Complaint, comment on evidence obtained and present their own evidence including identifying witnesses who the Member believes can provide information in relation to the Complaint.
- 7.5 The Conduct Committee may contact the Complainant by telephone or arrange a meeting in person to request any relevant information which is additional to the initial information provided and required for the completion of the Full Investigation.
- 7.6 The Conduct Committee must form a reasonable conclusion about:
 - (1) whether the Complaint is substantiated;
 - (2) whether the substantiated Complaint constitutes a breach of the Code or any applicable law or regulation; and
 - (3) recommended response/required course of action.
- 7.7 The Complainant and Member will be updated on the progress of the Full Investigation by the Conduct Committee.
- 7.8 The Conduct Committee may require the Member to undertake specified action to assist in the reasonable resolution of any Complaint, taking into account the outcome that the Complainant ideally wishes to achieve.

8 Written notice of Full Investigation outcome

- 8.1 Following the Full Investigation, the Conduct Committee will notify the Complainant and Member of its determination in writing within 22 Business Days of receipt of the Complaint.
- 8.2 The Conduct Committee's written determination will set out:
 - (1) the finding in relation to each aspect of the Complaint;

- (2) the decided outcome of the Full Investigation;
- (3) what remedies (if any) will be offered in response to the Complaint; and
- (4) how the Complainant or Member can communicate any dissatisfaction with the findings of the Full Investigation.

9 Dissatisfaction with Full Investigation determination

- 9.1 Following the determination of the Full Investigation, the Complainant and the Member are entitled to communicate any dissatisfaction that they may have in relation to the findings of fact, the investigation outcomes or the process that was applied. Any dissatisfaction communication must be sent to PIPA.
- 9.2 The Member or Complainant may submit a request that the Complaint be reassessed and provide reasons for the reassessment.
- 9.3 The Conduct Committee will address any dissatisfaction notified by the Complainant or Member.

10 Membership status

- 10.1 At any time after receipt of a Complaint, PIPA may suspend the Member's PIPA membership for any period it deems appropriate by giving the Member written notice.
- 10.2 Following the determination of the Full Investigation, PIPA may terminate the Member's PIPA membership by giving the Member written notice. Termination of membership will only apply where a determination was made that the Member breached the Code or any applicable law or regulation.
- 10.3 The Member is entitled to communicate any dissatisfaction that they may have in relation to suspension or termination of its membership. Any dissatisfaction communication must be sent to PIPA. The Member may submit a request that the suspension or termination be reassessed, and provide reasons for the reassessment.

11 Confidentiality

- 11.1 PIPA and the Conduct Committee will keep the nature of the Complaint and all information supplied as confidential as possible during the investigation process, having regard to the rights of all involved in the process. There may be circumstances where full confidentiality cannot be maintained and information may have to be disclosed.
- 11.2 If a PIPA employee is involved in the investigation, either as the Complainant, the Member or a witness, they must not divulge information concerning the Complaint or any part of the investigation process to anyone but those persons directly involved in the investigation process.

12 General

- 12.1 The Complainant and the Member are entitled to engage external bodies to provide advice and assistance in relation to the formulation, lodgement, response, hearing and determination of the Complaint.
- 12.2 This complaint handing procedure does not apply where the substance of the Complaint should be, or is being, dealt with under a separate process, or for matters where there is a legal remedy or a formal right of appeal or review. This includes matters where there is access to the Administrative Decisions Tribunal or legislated appeal and review rights.

13 Changes to this Policy

- 13.1 PIPA reserves the right, at its absolute discretion, to amend this complaint handling procedure from time to time as it considers necessary.
- 13.2 PIPA will periodically review the procedure to ensure it remains effective and relevant to the workplace.
- 13.3 Any changes to the procedure will be communicated to all PIPA Members.
- 13.4 This Policy is dated: 7th April 2016.

14 Definitions

- 14.1 The following defined terms apply:
 - (1) **Code** means the PIPA Voluntary Code of Conduct (as amended from time to time);
 - (2) **Complainant** means the person making the Complaint and includes:
 - (a) a client or prospective client of a Member;
 - (b) a regulatory or other statutory body;
 - (c) a member of the public;
 - (d) an employee of the Member; or
 - (e) any other person.
 - (3) **Conduct Committee** means the committee established to handle alleged breaches of the Code, comprising the Conduct Officer, a member of the executive and the PIPA general manager;
 - (4) **Conduct Officer** means a member of the PIPA Board who is responsible for:
 - (a) referring alleged breaches of the Code to the Conduct Committee;
 - (b) ensuring that all Complaints are handled in accordance with the Complaints Handling Procedure; and
 - (c) reporting to the PIPA Board annually, or more frequently, if deemed appropriate by the PIPA Board.
 - (5) **Full Investigation** means an investigation of the Complaint undertaken by the Conduct Committee;
 - (6) **PIPA** means the Property Investment Professionals of Australia;
 - (7) **PIPA Representative** means a full-time, part-time or casual employee of the PIPA; and
 - (8) **Preliminary Investigation** means an investigation of the Complainant undertaken by the Conduct Officer to determine whether there are grounds for the Conduct Committee to undertake a Full Investigation of the Complaint.