

The amended version of RG 271 published on 2 September 2021 includes several technical and clarifying amendments arising out of feedback from stakeholders. These amendments mostly clarify the interaction between *Regulatory Guide 271 Internal Dispute Resolution* (RG 271) and other legislative requirements that impact complaints handling. *ASIC Corporations, Credit and Superannuation (Internal Dispute Resolution) Instrument 2020/98* (IDR Instrument) will also be modified to incorporate the new version of RG 271.

The key amendments to RG 271 and the IDR Instrument are:

1. Paragraphs 1, 87, 99, 100, and 113 are no longer designated as enforceable paragraphs in RG 271 to avoid duplication of existing legislative requirements. These paragraphs will be removed from incorporation in the IDR Instrument when we make amending instrument *ASIC Corporations, Credit and Superannuation (Amendment) Instrument 2021/753*.
2. At paragraph 33 further information has been added to clarify the interaction between ASIC's IDR Standards and Requirements and existing requirements in relation to unauthorised/disputed transactions, and hardship notices/requests to postpone enforcement proceedings.
3. Paragraphs 53 and 66 have been amended to clarify that the communication of AFCA details can be tailored in situations where a consumer has already made contact with AFCA. The intention is to ensure that AFCA details are provided in a way that is not confusing to consumers who were referred to IDR by AFCA.
4. Paragraph 56 now includes a note that clarifies how timeframes in RG 271 are to be interpreted and applied in practice. It sets out when the timeframes begin and that these do not include the day that the complaint is received.
5. Paragraph 75 has been amended to correct a minor departure from the wording of s 101 of the SIS Act. A note has also been added to provide some guidance on ASIC's interpretation of when complaints are likely to involve a *decision* of a trustee (or failure by a trustee to make a decision) relating to the complaint. This is relevant when considering whether written reasons are required (per s 101(1)(d) of the SIS Act) for complaints resolved within 5 days of receipt.
6. The words 'amend or' have been removed from paragraph 83(b) to align the paragraph with the operation of s1056 of the Corporations Act.
7. In paragraphs 86 and 101 the words 'not considered' were replaced with 'not responded to' in order to align with the processes for dealing with hardship notices and requests to postpone enforcement proceedings.
8. Paragraph 93 now relates to a complaint that 'involves a hardship notice [...]', whereas previously it related to a complaint that was 'about a hardship notice [...]'. This change is intended to better reflect the interaction between IDR and existing hardship processes, and that complaints about the outcome of a

hardship notice or request to postpone enforcement proceedings are generally heard by AFCA rather than through IDR.

9. At paragraph 100 the language has been amended slightly to reflect that paragraph 100(a) restates existing legislative requirements, whereas 100(b) includes matters that go beyond existing requirements. This paragraph is no longer incorporated into ASIC's enforceable IDR standards and requirements.
10. Paragraph 113 has been amended to clarify that financial firms may be required to provide AFCA details in a range of different disclosure documents. This paragraph is no longer incorporated into ASIC's enforceable IDR standards and requirements.
11. Paragraph 179 has been amended to clarify that RG 271 requires that all complaints received from 5 October 2021 must be recorded.

ASIC has also made an [instrument](#) which modifies licensee breach reporting obligations contained in s 912DAA of the Corporations Act and 50B of the National Consumer Credit Protection Act. This means that individual breaches of enforceable IDR standards contained in RG 271 are not deemed to be 'significant' breaches of core obligations and so are not automatically reportable to ASIC.

This modification was made so that licensees are not obliged to report to ASIC minor and technical breaches of the IDR standards that are unlikely to cause consumer detriment. This will alleviate unnecessary reporting and regulatory burden. Licensees will still need to consider whether breaches of IDR standards may be otherwise reportable under the general 'significance' test as well as the other deeming provisions (such as where the breach results in material loss to consumers).