

MODEL ENDORSEMENTS TO THE MODEL BINDING AUTHORITY AGREEMENT FOR NEW ZEALAND COMPLAINTS - NO AUTHORITY

(For use with LMA Binding Authority Agreements)

The provisions of this endorsement are to be read in conjunction with Section 22 (Complaints or Proceedings).

The Coverholder has no authority to handle Complaints against Underwriters or to offer redress to resolve Complaints.

1. Process

Upon receipt of a Complaint against Underwriters from a Complainant below, the Coverholder must comply with the procedures as set out below.

- 1.1. The Coverholder does not have authority to handle Complaints against Underwriters.
- 1.2. If the Coverholder is in any doubt as to whether or not it is a Complaint, the Coverholder shall treat it as a Complaint.
- 1.3. The Coverholder must immediately pass the Complaint, along with all relevant documentation, to Underwriters using the following email address: **{Insert Underwriters' email address}**
- 1.4. If Underwriters request any further information the Coverholder must provide this promptly.
- 1.5. The Coverholder will assist Underwriters where Lloyd's are involved.
- 1.6. Upon receipt of a Complaint which does not fall within the definitions at Section 5.1 and 5.2 below, the Coverholder must **{Insert instructions here}**
- 1.7. The Coverholder is granted authority to acknowledge the Complaint. The format of the acknowledgement must be in the format found at www.lloyds.com/complaintshandling/international, and as agreed with Underwriters. **{Delete if not applicable}**

2. Additional Responsibilities:

In addition to the above the Coverholder will:

- 2.1. Ensure that all members of staff that may receive Complaints in relation to any operations under this Binding Authority Agreement are trained in complaint identification to a level appropriate to their position and role within the organisation and are aware of the above procedure;

3. Record Keeping

- 3.1. The Coverholder shall maintain a register of all Complaints.
- 3.2. The register should include the following information:
 - a) Name of Complainant and policyholder (if different);
 - b) Name of Complainant's representative (if applicable);
 - c) Address of Complainant;
 - d) Address of Complainant's representative (if applicable);
 - e) Date Complaint received;
 - f) Date referred to Underwriters;
 - g) Policy number;
 - h) Claim reference (if applicable);
 - i) Unique Market Reference (UMR).

3.3. The Coverholder must provide a copy of the register to Underwriters, or their representatives, promptly upon request.

4. Additional Guidance

4.1. In the event additional guidance is required please contact Underwriters on: **{Insert Underwriters contact details here}**

4.2. Lloyd's also provides further guidance at: www.lloyds.com/complaintshandling. Alternatively, the Coverholder can contact Lloyd's Australia directly on: idrnz@lloyds.com or +61 (0)2 8298 0783.

5. Definitions

5.1. The definition of a 'Complaint' is:

Expression of dissatisfaction about a Participant [in the Insurance & Financial Services Ombudsman Scheme], where a response or resolution is explicitly or implicitly expected from the Participant.

5.2. A Complainant is defined as :

"Complainant" means a person or body that at the time of making the Complaint to the Scheme, is:

- a) a person or group of persons, whether acting jointly or severally;
- b) the trustees of a family trust including a corporate trustee (if the family trust carries on a business it must be a Small Business);
- c) a club or an incorporated society;
- d) a unit title body corporate or a body corporate of a company title building which is occupied for residential or Small Business purposes; or
- e) a Small Business (no more than 19 full time employees)

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