

COMPLAINTS HANDLING FRAMEWORK

Updated 26 May 2011

Background

To demonstrate that Custodian Land Syndicate Limited and the other members of the Custodian Land Group ("Custodian Land") applies a consistent and rigid approach towards dealing with members of the public and to ensure Custodian Land is responsive to such complaints (whether the complaints relate to Custodian Land itself, or to third parties upon whom Custodian Land relies in the delivery of its products) it is important that an established framework is in place for:

- a. Recording the particulars of a complaint;
- b. Determining the department or division to which the complaint relates;
- c. Determining the individual or department who shall take responsibility for addressing and resolving the complaint;
- d. Ensuring an individual accepts responsibility for addressing the complaint;
- e. Addressing and resolving the complaint in a timely manner;
- f. Ensuring the complaint rectification does not come to a standstill at any point; and
- g. Confirming the response has satisfied the Complainant's concern/complaint.

All staff members must read and familiarise themselves with the policies and procedures set out below.

Receipt of the complaint

Members of the public communicate (most commonly by email) their complaint to the person the member of the public considers the most relevant Custodian Land contact, who is usually (but not necessarily):

- A director of Custodian Land or a special purpose vehicle managed by Custodian Land;
- An authorised representative of Custodian Land; or
- An employee or officer of Custodian Land.

Complaint Recipient

If the complaint is not initially communicated by the Complainant in writing the Complaint Recipient must request the client communicates the complaint to the Complaint Recipient in writing.

The Complaint Recipient registers the complaint

The Complaint Recipient must complete a Complaints Registration Form, which includes:

- The Complainant's name;
- The matter the complaint relates to;
- The name of the authorised representative (if any) or other party (if any) who introduced the member of the public to Custodian Land;

- The nature of the complaint;
- A brief summary of the particulars of the complaint; and
- A summary of what action/steps need to be taken (and by whom, whether internal or external to Custodian Land) to satisfy the complaint.

The Complaint Recipient must provide a copy of the written complaint, together with the Complaints Registration Form to the Compliance Officer.

Note: The Compliance Officer must be copied into all correspondence concerning the complaint.

The Compliance Officer logs the complaint in the Complaints Register

On the same business day the Compliance Committee receives the Complaints Registration Form from the Complaint Recipient, the Compliance Officer logs the complaint into the database and a Complaint Number is allocated to the complaint.

The most appropriate 'Complaint Handler' is determined

The Compliance Officer will often be the most appropriate individual within the organisation to resolve the complaint. In doing so, all complaints are to be tabled to the Compliance Committee where an appropriate resolution will be identified. In determining the appropriate resolution, the Compliance Committee will form the view that the complaint would be best resolved by either:

1. The Compliance Officer themselves; or
2. Another individual within the organisation.

If the Compliance Committee considers the Compliance Officer is the most appropriate individual to resolve the complaint then the Compliance Officer enters the Complaint Registration Form, or if the Compliance Officer considers it would be more appropriate that the complaint be resolved by another individual then they must nominate the individual they consider most appropriate to resolve the complaint (the 'Appropriate Handler'), in which case the following applies.

An Appropriate Handler must accept responsibility (in writing) for resolving the complaint

It is vital that an individual within Custodian Land takes ownership of the complaint. Therefore, there a procedure must exist whereby an individual confirms his or her acceptance of the responsibility to resolve a particular complaint.

The Compliance Officer must forward to that Appropriate Handler a copy of the Complaint Registration Form and the written complaint.

That Appropriate Handler must email the Compliance Officer:

- a. Confirming they accept responsibility for resolving the complaint; or
- b. Nominating the individual they consider would be more appropriate to resolve the complaint.

If the Appropriate Handler nominates an alternative individual as being more appropriate to resolve the complaint, i.e. in terms of (b) above, the Compliance Officer must forward to that alternative individual a copy of the Complaint Registration Form and the written complaint.

The More Appropriate Handler must, on the same business day as it receives the Complaints Registration Form, email the Compliance Officer:

- a. Confirming they accept responsibility for resolving the complaint; or
- b. Nominating another individual they consider would be more appropriate to resolve the complaint.

If no one takes ownership of a complaint after the abovementioned process is exhausted then the Compliance Committee will assign an individual to take responsibility of the complaint.

If the More Appropriate Handler has not by the close of business on that day, confirmed to the Compliance Officer that they accept responsibility for resolving the complaint then the Compliance Committee must determine who shall be the Appropriate Handler for the complaint.

Once the Complaint Handler has been determined

(Either by an individual confirming his or her acceptance of the responsibility for dealing with the complaint, or by the Compliance Committee determining in the absence of any individual accepting.)

The Complaint Handler contacts the Complainant (using the same mode of communication as the Complainant used in making the Complaint, but in writing in any case):

- a. Confirming receipt of the complaint;
- b. Advising that they will be the person resolving the complaint;
- c. Outlining the steps the Complaint Handler will be taking to attend to the complaint;
- d. Outline the external factors and parties (if any) who the Complaint Handler will be involving in the course of resolving the complaint;
- e. Giving the expected time frame for the matter complained of, to be resolved; and
- f. Advising the Complainant that he or she may contact the Compliance Officer if they are dissatisfied with the way in which their Complaint is being resolved.

This forms the 'Initial Complaint Response'.

Resolving the complaint

The Complaint Handler attends to a resolution of the matter that has given rise to the complaint.

Often the complaint will relate to a matter beyond the control of Custodian Land.

Where the intervention of a third party is required to resolve the complaint

If the action of a third party is required in order to address a complaint (e.g. if a solicitor or accountant is engaged in the addressing of the complaint) then the Complaint Handler must periodically update the Complainant of the progress/status of the rectification process.

The database will generate a reminder to the Complaint Handler if the database shows that the Complaint Handler has not updated the Complainant for a period of 8 business days ('Inaction Bring Up').

Note: As with any communication in connection with a complaint, the Compliance Officer is to be copied on the Inaction Bring Up email.

The Inaction Bring Up shall prompt the Complaint Handler to follow up the third party upon whom the Complaint Handler is relying to rectify the complaint.

Confirming the complaint has been resolved to finality

While Custodian Land may consider a complaint has been addressed and resolved, in some cases the Complainant may not agree that the complaint has been resolved to finality.

When the Complaint Handler is satisfied the complaint has been resolved to the Complainant's satisfaction the Complaint Handler shall write to the Complainant (using the same mode of communication as the complaint was made initially) summarising how the complaint was resolved and seeking confirmation that the Complainant is satisfied with the outcome ('Satisfaction Confirmation').

(Note: Being copied on all correspondence, the Compliance Officer will automatically be notified the Satisfaction Confirmation has been.)

Two business days after the Complainant would have received the Satisfaction Confirmation the Complaint Handler shall telephone the Complainant to ensure the Satisfaction Confirmation was received and to confirm the Complainant is in fact satisfied with the outcome.

The Compliance Officer shall enter the Complainant's response into the database (tick a 'yes' or 'no' box advising as to whether the Complainant was satisfied).

If the database confirms a 'no' response (i.e. if the Complainant was not satisfied with the outcome) this fact must be brought to the attention of the Compliance Officer and the Compliance Committee.

The Compliance Officer ('Follow up Person') will contact the Complainant (usually by telephone) to discuss the complaint, how it was handled, and how the Complainant would have preferred it was handled.

If the Complainant advises that they would prefer the complaint to have been handled or resolved in another manner then the Follow Up Person shall ask the Complainant to put their preference in writing (the 'Preference').

Where a member of the public remains dissatisfied even after Custodian Land regards the complaint as having been resolved, the Complainant's dissatisfaction will often be by virtue of the fact that the Complainant has not obtained the outcome that he/she had in mind. That is, in many cases it will not be the manner in which the complaint was resolved that the Complainant is dissatisfied with, but that the client did not get what they wanted.

The Compliance Officer shall forward the Preference to the Compliance Committee who shall determine whether Custodian Land will:

- Bring about the Preference; or
- Advise the Complainant that Custodian Land has resolved the complaint and is not willing (or able) to bring about the outcome the Complainant would have preferred.

If the Compliance Committee determines that Custodian Land is not willing or able to bring about the outcome the Complainant would have preferred they will instruct the appropriate Follow Up Person to write to the Complainant advising the reasons for Custodian Land not taking further steps to bring about the Preference ('Justification Letter'). Once the Justification Letter has been sent the complaint file is closed on the Complaints Database.

At that time the Follow Up Person must refer the Complainant to the external disputes resolution scheme being the Financial Ombudsman Service for an independent review of the matter and other external parties depending on the nature of the complaint (e.g. Office of Fair Trading, Australian Securities and Investments Commission) if the Complainant wishes to pursue his or her grievance further.

The written reasons given to the Complainant (i.e. as set out in the Justification Letter) would be available for the Financial Ombudsman Service and any regulatory body (such as the Office of Fair Trading, Australian Securities and Investments Commission) to inspect if Custodian Land is called upon to justify not having brought about the Complainant's preference.

If the database confirms a 'yes' response then the Complaint file is closed and the database no longer notes the complaint as an 'unresolved complaint'.

At the date hereof, relevant contacts are:

Compliance Committee:

Responsible Manager, Brett Woods – brettw@custodianland.com.au

Compliance Officer, James Fitzgerald – jamesf@custodianland.com.au