

## Dispute Resolution Procedure for the IMB Market

### Background

IMB is a member based financial institution. Our mission is to enhance the financial welfare of our members. We are committed to the highest standards of service to our members.

Accordingly, where a member is dissatisfied with any aspect of IMB's products or services, we will do all that we can to address the member's concerns. These Complaints and Dispute Resolution Policies and Procedures have been developed to provide guidance to IMB staff dealing with a member complaint.

These procedures are designed to:

- Ensure compliance with the internal dispute resolution obligations imposed on IMB by virtue of holding an Australian Market Licence and Clearing and Settlement Facility Licence under the Corporations Act.

**IT IS THE RESPONSIBILITY OF ALL STAFF TO PERSONALLY DEAL WITH ANY MEMBER COMPLAINT IN A COURTEOUS, EVEN-HANDED AND NON-JUDGEMENTAL MANNER. IMB STAFF ARE REQUIRED TO TAKE PERSONAL RESPONSIBILITY FOR RESOLVING THE COMPLAINT TO THE MEMBER'S SATISFACTION**

### Complaint and Dispute Resolution Policy

#### Commitment

- These Policies and Procedures have been approved by the Chief Executive Officer and endorsed by the Board of Directors.
- IMB management are responsible for ensuring that staff understand IMB's commitment to fair and efficient complaints handling.

#### Staff

- These policies and procedures are to be widely publicised throughout IMB. New employees should be exposed to these policies and procedures during the induction process.
- Our commitment to complaints handling is to be reinforced periodically, including each employee's underlying responsibility for effective complaints handling.

#### Members

- Members are to be made aware of IMB's IDR policies and procedures for the IMB Market and of their right to make a complaint.
- Copies of IMB's IDR policies and procedures for the IMB Market are to be provided to members upon request.
- All IDR related material for the IMB Market should contain reference to a complaints handling contact person so that more information may be obtained if necessary.

#### Charges

- It is IMB policy that members will not be charged for pursuing a complaint under the IDR policies and procedures for the IMB Market.

### Complaint or Feedback?

- A complaint is any expression of dissatisfaction by a member with a product or service offered or provided in relation to the IMB Market.
- On occasion a member may contact IMB to provide feedback (positive or negative) in relation to a product or service provided in relation to the IMB Market. It is valuable to record such feedback so that products and/or services can be improved.

Complaints and Disputes within IMB are dealt with in 3 stages:

- Stage 1 - Complaint Investigation and Resolution
- Stage 2 - Internal Dispute Resolution
- Stage 3 - External Dispute Resolution

## **Stage 1 - Complaint Investigation and Resolution**

### Oral Complaints

- Members may lodge a complaint at any of our sales centres, or by calling IMB Direct on 133 462.
- Where a complaint is made by telephone or in person over the counter, IMB must ensure that the complainant has the opportunity to speak to an officer suitably trained and authorised to respond to the complaint, and who is not connected with or is not the direct cause of the complaint. Generally, the officer will be:
  - A Sales Centre Manager.
  - A Department Manager.
  - An IMB Direct Team Leader or Manager.
- That officer must:
  - Identify himself or herself.
  - Ascertain and record the facts relevant to the complaint.
  - Ascertain and record the nature of the complaint and whether it concerns the alleged contravention of:
    - The Financial Services Reform Act 2001 or its subordinate legislation
    - The IMB Operating Rules for the IMB Market
    - Any other Code of Conduct
    - The terms of any contract (including Buy, Sell, or Transfer Forms for IMB shares)
    - The IMB Constitution
    - Any law.
- Take personal responsibility for resolving the complaint to the member's satisfaction. Managers have a discretionary authority for the purpose of dispute resolution (refer Approved Authorities List).
- Act in a courteous, even-handed and non-defensive manner.
- Where the complaint cannot be resolved immediately to the member's satisfaction, the officer must:
  - Explain the courses of action available to the complainant to pursue the complaint.

### Written complaints

- IMB will respond to written complaints immediately by telephoning the complainant in order to follow the procedure set out above for oral complaints.

### Unresolved Complaints

Where:

- IMB is not prepared to offer the complainant the redress sought; or
- The member is not satisfied with the response to their complaint;

IMB will send the member an explanatory covering letter inviting and encouraging the member to lodge a formal written dispute.

The dispute should be addressed to:

Member Relations (Share Market Complaints)  
IMB Ltd  
PO Box 2077  
WOLLONGONG NSW 2500

## **Stage 2 – Internal Dispute Resolution**

Member Relations will deal with all disputes in relation to the IMB Market received by IMB. Where, upon receipt of the dispute, all the relevant information has not been received, IMB will send the complainant a written request specifying what further information is required.

Where, after 10 days, no response has been received to the request for further information, no further action need be taken. IMB will advise the complainant in writing of its decision to take no further action until all the relevant information is provided.

Both the complainant and the person against whom the complaint is made are entitled to place all relevant material before Member Relations.

IMB will consider all relevant information in making its determination and will not consider any irrelevant information. For the purposes of these IDR procedures, "relevant information" is any information without which, in the reasonable opinion of Member Relations, a decision cannot be made.

- IMB will advise the complainant of the outcome of its investigation or of the fact that it needs more time to complete its investigation.
- In all but exceptional cases, IMB will take less than 45 days to complete its investigation. If it takes longer, IMB will advise the complainant in writing.
- For all other transactions IMB will advise the complainant in writing of:
  - The outcome of its investigation.
  - The reasons for its decision.

If the matter cannot be resolved by Member Relations to the satisfaction of the complainant, IMB will advise the complainant of the process for referring the dispute to IMB's Chief Executive Officer (CEO), Chief Financial Officer (CFO) and/or IMB's Board for consideration and, if necessary, further investigation.

IMB's CEO, CFO and/or the Board will:

- a) advise the parties to the dispute in writing of their decision in relation to the matter, and what action, if any, is to be taken by IMB and/or the parties to the dispute; OR
- b) if the CEO, CFO and/or the Board do not consider it appropriate to make a determination on the matter, or the matter cannot be resolved by the CEO, CFO and/or the Board to the satisfaction of the parties to the dispute, IMB will advise the parties in writing that the matter should be referred to a Court or other body with jurisdiction to make a decision in respect of the dispute (**Stage 3**).

In the event that an investigation or dispute resolution process reveals that a complainant has breached its obligations under the Operating Rules for the IMB Market, the complainant may become subject to possible expulsion, suspension or other disciplinary action by IMB in accordance with the Operating Rules.

### **Recording Information About Complaints**

The officer handling the complaint must record details of it into the Complaints Register.

### **Reporting Requirements**

#### Monthly Reports

Member Relations will compile monthly reports detailing:

- A summary of complaints received over the preceding month.
- Analysis of the previous month's complaints, including frequency and resolution experience.
- A summary of complaints that have been referred to an external body for resolution.
- A qualitative assessment of IMB's complaints performance, including the identification of any systemic or recurring complaint themes.

These reports will be provided to the Executive Group on a monthly basis.

#### Half Yearly Reports

Member Relations will compile a six monthly report detailing:

- A summary of the preceding six months complaints, including frequency and resolution experience with comparisons to previous year(s).
- A summary of complaints referred to an external body for resolution.
- A qualitative assessment of IMB's complaint performance, including comparison to other financial institutions (where available).

These reports will be provided to the Executive Group and the Board of Directors on a half-yearly basis.

Annually

IMB Legal Services will compile an annual report to ASIC (Statement of Compliance and Dispute Statistics) for the period April to March, as required by ASIC from time to time. This report contains details relating to the number of disputes, the type of dispute, and the manner of resolution (or non-resolution).

This report will be provided to the Executive Group and the Board of Directors annually.

1 Australian Standard AS 4269-1995, p.5. schedule 5