

Harwood Nominees Pty Limited
ABN 70 001 216 208 AFSL 240614

As Trustee for the Harwood Superannuation Fund
ABN 46 182 687 345 SFN 111 024

INQUIRIES AND COMPLAINTS PROCEDURES

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1. Overview

1.1 Purpose

These procedures set out the processes for dealing with inquiries and complaints relating to Harwood in accordance with:

- The relevant provisions of the Superannuation Industry (Supervision) Act 1993;
- The relevant provisions of the Corporations Act 2001 and Corporations Regulations 2001;
- The Superannuation (Resolution of Complaints) Act 1993;
- Guidelines provided by ASIC in its Regulatory Guide 165 – Licensing: Internal and external dispute resolution; and
- Australian Standard AS ISO 10002-2006- Customer satisfaction – Guidelines for complaints handling in organisations.

1.2 Adopted by the Trustee

Harwood Nominees Pty Limited (“Harwood”), the trustee of the Harwood Superannuation Fund (“Fund”), recognises the importance of member satisfaction, and acknowledges the rights of members and other stakeholders. All Harwood’s authorised representatives are provided with a copy of these procedures and undertake training in accordance with Harwood’s AFSL conditions.

The Harwood board is the holder of Australian Financial Services Licence (AFSL) number 240614 and RSE Licence number L0000987, and has approved these procedures. Harwood also has in place procedures to deal with the privacy legislation including the provision of information. All requests for a copy of the *Privacy Complaints Resolution Procedures* should be directed to the Fund’s Privacy Officer.

1.3 The Inquiries and Complaints Officer

- Harwood must appoint a person from time to time to handle inquiries and complaints. This person will be called the Inquiries and Complaints Officer.
- The Inquiries and Complaints Officer must meet the relevant training requirements that the Trustee considers appropriate or necessary for the person to have in order to competently deal with inquiries and complaints.
- All complaints that cannot be resolved by the Inquiries and Complaints Officer or are outside the authority of the Inquiries and Complaints Officer will be referred to either the Inquiries and Complaints Review Committee or the full board in accordance with the *Internal Disputes Resolution Procedures* (see Section 2.5).

The primary role of the Inquiries and Complaints Officer -

- Is to attempt to resolve complaints in accordance with the *Internal Disputes Resolution Procedures* outlined at Section 2.5, except where the Inquiries and Complaints Officer was personally involved in the subject matter of the complaint; and
- Where the Inquiries and Complaints Officer is not authorised to resolve the complaint or unable to resolve it, to collect all the relevant information to enable either the Inquiries and Complaints Review Committee or the full board to assess the complaint.

1.4 Contact Details

Harwood Super

Members who have an inquiry or complaint may call Harwood Super on (02) 9235 8533 on any weekday between 8.30am and 5.30pm (Sydney time). Inquiries outside these hours may be left on voicemail.

Inquiries or complaints may also be made by:

Email: info@harwoodsuper.com.au
Writing to: Inquiries and Complaints Officer
Harwood Superannuation Fund (Harwood Super)
PO Box 155
NORTH RYDE NSW 2113
Faxing to: (02) 8362 9027

Holcim Super

Members who have an inquiry or complaint may call Holcim Super on (02) 9235 8566 on any weekday between 8.30am and 5.30pm (Sydney time). Inquiries outside these hours may be left on voicemail.

Inquiries or complaints may also be made by:

Email: info@holcimsuper.com.au
Writing to: Inquiries and Complaints Officer
Harwood Superannuation Fund (Holcim Super)
PO Box 155
NORTH RYDE NSW 2113
Faxing to: (02) 8362 9027

MonierPGH Super

Members who have an inquiry or complaint may call the Fund on (02) 9235 8533 on any weekday between 8.30am and 5.30pm (Sydney time). Inquiries outside these hours may be left on voicemail.

Inquiries or complaints may also be made by:

Email: info@harwoodsuper.com.au

Writing to: Inquiries and Complaints Officer
Harwood Superannuation Fund (MonierPGH Super)
PO Box 155
NORTH RYDE NSW 2113
Faxing to: (02) 8362 9027

Privacy

The Privacy Officer may be contacted by:

Writing to: Privacy Officer
Harwood Superannuation Fund
PO Box 155
NORTH RYDE NSW 2113
Phoning: (02) 9235 8533
Faxing to: (02) 8362 9027

2. Complaints

2.1 What is a complaint?

AS ISO 10002-2006 defines a “complaint” as:

An expression of dissatisfaction made to an organisation, related to its products or services, or the complaints handling process itself, where a response or resolution is explicitly or implicitly expected.

2.2 Who can make a complaint?

The complainant can be:

- A member or former member of the Fund;
- A Non-Member Spouse for Family Law purposes;
- A pensioner or spouse pensioner of the Fund;
- Persons acting for a member, former member, pensioner or spouse pensioner, in which case this fact should be established and verified (e.g. by the person producing a signed written authority);
- Persons acting for the estate of a member, former member, pensioner, or spouse pensioner, in which case this fact should be established and verified (e.g. by production of the will and the death certificate, probate or letters of administration);
- In the case of a death benefit, a beneficiary, a dependant of a deceased member or a person with an interest in a death benefit arising from the death of a member;
- If a complaint relates to the Fund’s disclosure material produced under the Corporations Act (e.g. Product Disclosure Statements, Supplementary Product Disclosure Statements, Financial Services Guide, annual report, member annual periodic statement, exit statement) the complainant can be any person who can demonstrate that they have suffered loss or damage as a result of, or relying on, the actions of Harwood, or its authorised representatives, or the information included in Harwood’s disclosure documents

2.3 What is a relevant complaint?

A complaint is a relevant complaint if:

- the complaint relates to the operation or management of the Fund;

- the complaint relates to a particular individual who is acting on behalf of Harwood;
- the complaint relates to the action or inaction of Harwood, or an authorised representative of Harwood, but cannot relate to the action or inaction of the member's employer;
- the complaint may relate to a decision by Harwood in respect of a benefit payment;
- the complaint may relate to an exercise of discretion by Harwood as trustee of the Fund;
- the complaint can relate to the provision of a financial service by Harwood.

2.4 Complaints handling - general

The complainant must provide the Inquiries and Complaints Officer with the following information in relation to the complaint:

- contact details;
 - description of the complaint;
 - any request for a remedy; and
 - any supporting documentation in relation to the complaint.
- Any calls to the Inquiry Line that are determined to be a complaint must be referred to the Inquiries and Complaints Officer and in his/her absence, the CEO/Fund Secretary.
- Complaints should clearly state that the person is making a complaint (not an inquiry) and should be addressed to the Inquiries and Complaints Officer at Harwood. Any written complaint should be signed by the complainant, although email complaints are acceptable with or without an electronic signature as long as the identity of the complainant can be verified.
- Complaints can be made by telephone, although if complex, the complainant may be asked to put the complaint in writing or to email the Inquiries and Complaints Officer setting out the full details.
- The Inquiries and Complaints Officer will verify that the complaint is a relevant complaint and that the person making the complaint is eligible to make a complaint.
- The Inquiries and Complaints Officer will write to the complainant as soon as reasonably practicable, and in any case within 7 days, acknowledging receipt of the complaint and enclosing a copy of Harwood's *Inquiries & Complaints procedures*.
- Where the complaint is related to the proposed payment of a death benefit, the Inquiries and Complaints Officer must also notify all other

persons that have an interest in the death benefit which is the subject of the complaint that a complaint has been received.

2.5 Recording of complaints

- The Inquiries and Complaints Officer must record the complaint on the Complaints Register.

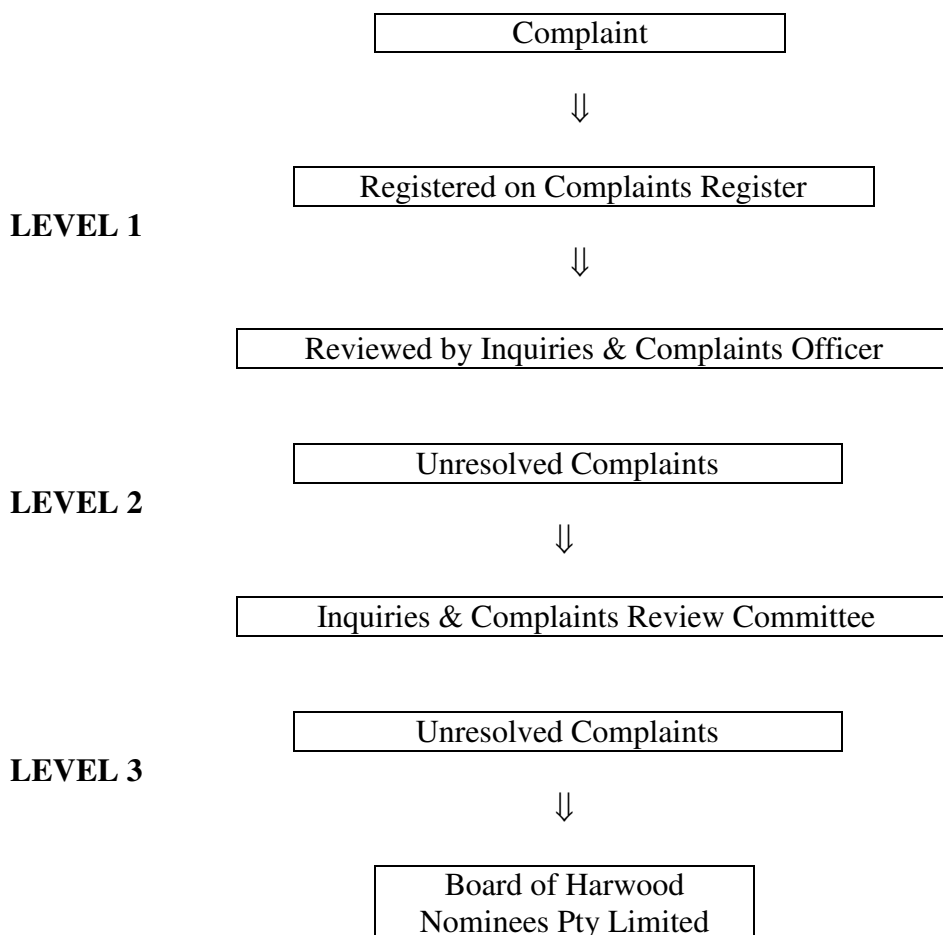
The Inquiries and Complaints Officer will complete an internal Complaints form and record the details of the complaint on the Complaints Register as soon as reasonably practicable and update the register whenever there is a change in the status of the complaint:

- details of the complaint, including any relevant supporting documentation;
 - relevant details of the person making the complaint, including any requested remedy;
 - when and how the complaint was received;
 - due date for a response;
 - how, by whom and how quickly it was dealt with;
 - what was the outcome; and
 - when the complainant was advised about the result.
- The Complaints Register is tabled at the quarterly Inquiries and Complaints Review Committee meeting.
 - The Complaints Register for each quarter and minutes of the Committee meetings are tabled at Harwood board meetings.

2.6 Internal Disputes Resolution Procedures

2.6(1) Structure

Harwood's internal disputes resolution procedures have a three-tiered structure as follows:



2.6(2) What is determined at which level?

LEVEL 1

Any complaint received on the Inquiry line must be transferred to the Inquiries and Complaints Officer and in his/her absence, the CEO/Fund Secretary.

All complaints are formally acknowledged and recorded on Harwood's Complaints Register by the Inquiries and Complaints Officer and are resolved in accordance with these procedures.

The Inquiries and Complaints Officer reviews the Complaints Register at least weekly to ensure that all complaints have been resolved or are in the process of being resolved. If any complaint relates to the AFSL conditions or the Corporations Act requirements the Compliance Officer will record it on Harwood's AFSL Breach/Incident Register.

The Inquiries & Complaints Officer will determine which complaints require elevation to *Level 2* or *Level 3*. The Inquiries and Complaints Officer will refer any complaint to *Level 2* if he/she was personally involved in the subject matter of the complaint. Any complaint about a decision made at board level will automatically be elevated to *Level 3*.

The Inquiries and Complaints Officer will advise any decisions made at this level to the member in writing.

All complaints and their status are reviewed by the Inquiries and Complaints Review Committee at their quarterly meeting and minutes from the Committee meetings are tabled at Harwood board meetings.

LEVEL 2

The Inquiries & Complaints Officer has responsibility to ensure that any unresolved matters are referred to the Inquiries and Complaints Review Committee.

This Committee comprises the Chief Executive Officer (Chair) and the Fund Accounting Manager (Inquiries & Complaints Officer). The Compliance Officer is the Committee secretary. The Chief Executive Officer and Fund Accounting Manager will not participate in any decision on a complaint in which that person may be the subject of the complaint in order to avoid any conflict of interest.

The Inquiries and Complaints Review Committee review all complaints and their status at their quarterly meeting. If necessary the Committee will agree a resolution on any unresolved *Level 1* inquiries and complaints.

The Inquiries & Complaints Officer will advise any decisions made by this committee to the member in writing.

Any inquiries or complaints which remain unresolved at *Level 2* will automatically be referred to *Level 3*.

LEVEL 3

The business of board meetings includes the review of any unresolved member complaints, as well as complaints which were immediately elevated to *Level 3* as the original decision was made at board level.

The Complaints Register is tabled at Harwood board meetings. The board reviews the register and all complaints and their status (including a review of relevant correspondence), including complaints resolved at *Level 1* or *Level 2*.

The Inquiries and Complaints Officer will advise any decision made by the trustee concerning a complaint in writing to the member.

Submissions to the Board

Where the Inquiries and Complaints Officer is obliged to refer the complaint to the board, the Inquiries and Complaints Officer must prepare a written submission for consideration by the Trustee which should include:

- A copy of the complaint;
- A summary of any steps that the Inquiries and Complaints Officer has taken in relation to the complaint, including the inclusion of any correspondence with the complainant; and
- Any supporting documentation, including copies of any specialist advice, correspondence and medical reports.

2.7 Notifying the decision to the complainant

- The Inquiries and Complaints Officer must notify the complainant of the decision of the Inquiries and Complaints Officer, the Inquiries and Complaints Review Committee or the board, as the case may be.
- The Inquiries and Complaints Officer (or the Inquiries and Complaints Review Committee, if the complaint has been elevated to *Level 2* or the board if the complaint has been elevated to *Level 3*) must take all reasonable steps to make a decision and advise the complainant of the decision within 90 days of receipt of the complaint. However, if circumstances allow, Harwood will resolve complaints within a shorter time frame. If the Inquiries and Complaints Officer, the Inquiries and Complaints Review Committee or the board is not in a position to make a decision within 90 days, the complainant must be advised in writing the reasons for the delay and the date by which a decision will be made.
- The complainant must also be advised of the date any decision was made within 14 days of the decision having been made. The written advice must be accompanied by details of the existence and an outline of the functions of the Superannuation Complaints Tribunal (see Section 2.8 *External Disputes Resolution Procedures*). In the case of a death benefit, the complainant must be advised of the decision within a period of 28 days with best practice being within 14 days.
- When a complaint has been rejected, the complainant is to be advised of all the material that was considered in coming to the decision on the complaint.
- Where a complaint has been rejected, the complainant must be provided with a copy of Harwood's *Inquiries and Complaints Procedures*.

2.8 Remedies

2.8(1) Determining Remedies

In determining the appropriate remedies Harwood will take into account:

- The nature and circumstance of the complaint;
- The powers in the Trust Deed;
- The terms of the Fund's insurance policies; and
- The requirements of any relevant law.

2.8(2) Possible Remedies

The remedies may be financial or non-financial for example –

- correction of any administration error
- reimbursement for any adverse financial error
- replacement (eg member's annual statement or exit statement)
- provision of additional information
- varying the original decision
- compensation
- written apology
- seeking a review of a decision by the trustee or insurer (if applicable)

2.9 External Disputes Resolution Procedures

The internal procedures are in place to ensure a timely and satisfactory response to any relevant complaints that may arise. All inquiries and complaints must be considered and properly resolved within a 90-day period. However, if circumstances allow, Harwood will resolve complaints within a shorter time frame.

Should a complainant remain dissatisfied at the conclusion of the above procedures, he/she may refer the matter to the Superannuation Complaints Tribunal (SCT). However, a complaint cannot be dealt with by the Superannuation Complaints Tribunal unless the complainant satisfies the Tribunal that:

- a complaint was made to Harwood in accordance with the Fund's *Inquiries and Complaints Procedures*; and
- the complaint was not settled to the satisfaction of the complainant within 90 days, or such longer period as the SCT allows.

When advised of the decision on their complaint the complainant will be provided with contact details of the SCT as well as a brief outline of the SCT's jurisdiction as follows –

The SCT was established by the Commonwealth Government to provide a simple and inexpensive review mechanism for complaints about the decisions of superannuation fund trustees affecting individual members. It has the

primary function of inquiring into complaints and trying to resolve them by conciliation. Where a complaint cannot be resolved by conciliation, the SCT can review the decision of the Trustee. It has other functions, including helping a complainant to make a complaint or to put it in writing.

Generally, the SCT cannot deal with trustee decisions affecting the fund as a whole, for example the charging of fees by the fund or the fund's investment returns. The SCT will however hear disputes about fees and investments if the member can show the decision affects their situation in particular. The SCT cannot deal with complaints about the general management of the fund.

Members can contact the SCT by phoning 1300 884 114 for the cost of a local call.

In the case of a decision regarding a death benefit or a total and permanent disablement claim, further information about the timing and process for review is provided to the complainant.

2.10 Notifying Harwood's Indemnity Insurer

Harwood Nominees Pty Limited has a current trustee liability insurance policy and if it is likely that the complaint will result in a claim on the Trustee's indemnity insurance, the Inquiries and Complaints Officer should **immediately** advise the CEO of Harwood.

The CEO will then take action as required and deemed appropriate to advise the indemnity insurer or its authorised agent as provided under the relevant indemnity insurance policy.

3. Inquiries

3.1 Who can make an inquiry?

The following persons are entitled to request certain information:

- A member or beneficiary of the Fund including, if applicable, a former member, pensioner or spouse pensioner;
- A Plan Employer of the Fund (subject to Privacy legislation);
- A Non-Member Spouse who has an interest in the Fund in relation to a payment split;
- In the case of a death benefit, a beneficiary, a dependant of a deceased member or a person with an interest in a death benefit arising from the death of a member;
- A person who is an “eligible person” for Family Law purposes (i.e. a member, a member’s spouse and a person who intends to enter into a superannuation agreement with a member);
- Other authorised third parties acting on behalf of members or former members such as financial service licensees and agents acting on behalf of members and beneficiaries; and
- An employer contributing on behalf of a Retained Member or Spouse Member.

3.2 How to make inquiries

- Inquiries can be made -
 - a) by telephoning the fund; or
 - b) in writing (including e-mail and fax) to the Fund’s address.
- All calls received on the Inquiry Line are recorded by CSR Limited under the facilities agreement. The recording system used requires the Customer Services Officer (Authorised Representative) taking the call to enter a number of codes to end the call. This is used for monitoring and statistical purposes.
- Telephone inquiries of a routine nature can be dealt with on the spot. Any inquiries received on the Inquiry Line that are determined to be a complaint must be referred to the Inquiries and Complaints Officer and in his/her absence, the CEO/Fund Secretary.

- Telephone inquiries requesting information specific to the person making the inquiry e.g. personal information under the Privacy legislation, benefit quotations, change of address details, can only proceed if the caller provides sufficient information to satisfy Harwood that the caller is the member to whom the information relates. Otherwise, the request for information must be put in writing so further verification, such as checking of a signature can be undertaken.
- If it is not possible to answer the inquiry by phone, then the person making the inquiry should be asked to put their request in writing (which includes fax and email).
- Requests for *Prescribed Information* under Corporations Act 2001 (see Section 4) should normally be requested in writing.
- Third parties such as the media and agents for members or beneficiaries can request certain information. Any request by such person should be requested to be made in writing and sent with supporting authorisation from the member or former member.
- A Family Law inquiry made by an eligible person must be in the prescribed Form 6 Declaration as required under the Family Law Act and must be signed and dated.
- Any written inquiry that relates to a member or beneficiary must be signed by the member or beneficiary to whom the inquiry relates or a legal personal representative (“relevant person”) or must otherwise establish to the satisfaction of the person handling the inquiry that the inquiry has been properly authorised by the relevant person and must contain the address to which to reply.

3.3 Responding to inquiries

If possible, all telephone inquiries are dealt with at the time. Email and written inquiries are responded to within 7 days of the request.

The response can be by telephone, fax, email or in writing.

A Family Law inquiry must be responded to within a reasonable time having regards to the information requested and the Family Law legislation.

3.4 Reporting

A report is prepared by the Inquiries and Complaints Officer detailing the number and type of telephone and email inquiries received during the quarter. The report is part of the quarterly Inquiries and Complaints Report tabled at the quarterly Inquiries and Complaints Review Committee meetings.

4 Complying with Requests for Information/Documents

4.1 General information requests

Requests for information can be complied with by either:

- a) providing the information or a copy of the document containing the information directly to the person; or
- b) making the information available for inspection at a place which includes photocopying facilities for reproducing the information in a written form during normal business hours.

The information or a copy of the document containing the information must be in written form, or in a form that the person is capable of reproducing in written form, having regard to the form of the request.

All requests for information must be responded to in writing (whether in electronic means or otherwise) to the relevant person within one month of receipt of the written request, or in the case of a Family Law inquiry, within a reasonable time having regards to the information requested.

4.2 Prescribed information requests

Written requests for Prescribed Information must be satisfied within one month of receipt of the written request. The following is a list of Harwood's prescribed information that can be requested –

- Copy of Harwood Nominees Pty Limited's Australian Financial Services Licence.
- Details of Harwood Nominees Pty Limited's Authorised Representatives.
- ASIC notices re compliance (if any).
- Auditor's report required under superannuation law.
- Latest audited fund financial statements.
- Governing rules of the Harwood Superannuation Fund (trust deed).
- Latest actuarial valuation.
- Latest Fund annual report.
- Harwood Nominees Pty Limited's Combined Risk Management Strategy and Risk Management Plan.

4.3 Charges for requested information

No charges will be made for the supply of information except for Family Law requests.