

TAI Practitioners & Advisers Ltd

ACN 161 462 620

("the Company" or "TAI PAL")

By-Law II | Complaints Processes

In this By-Law, the interpretation provisions of the Company's Constitution apply unless the context otherwise requires.

Members are subject to a complaints and disciplinary regime.

1. GENERAL OBLIGATIONS OF MEMBERS

- a) Members shall cooperate with hearing processes held to determine whether Members have contravened the Company's Constitution and By-laws.
- b) Members shall at all times cooperate with inquiries related to client complaints about Members.
- c) Members shall return Public Practice Certificates in their possession in the event that an adverse finding results in the termination of their membership.

2. PROCEDURE FOR MAKING COMPLAINTS

- a) Complaints against Members are to be made in writing and addressed to: the Ethics Committee Secretary, TAI Practitioners & Advisers Ltd at the current registered office address.
- b) Where complaints are made to the Company relating to Members and it appears to the Ethics Committee Secretary that such complaints are capable of constituting misconduct in accordance with the Company's Constitution and By-laws the Ethics Committee Secretary must refer the complaints to the Ethics Committee within seven (7) days from the dates of receiving the complaints.
- c) The Ethics Committee Secretary must notify complainants and the Members that are the subject of the complaints in writing of the date the complaints were received and the procedures for the determination of the complaints referred to the Ethics Committee pursuant to clause 4 of this By-law. This must occur within seven (7) days from the date the complaints were referred to the Ethics Committee.
- d) The Ethics Committee Secretary must provide Members the subject of complaints with copies of the complaints and notices setting out the procedures for the determination of the complaints referred to the Ethics Committee, pursuant to clause 4 of this By-law within seven (7) days from the dates the complaints are referred to the Ethics Committee; and,
- e) The Ethics Committee Secretary must ensure that the procedures for making and determining complaints are published at all times on the Company's website or published periodically in some other manner as approved by the Board.

3. DETERMINATION OF COMPLAINTS

- a) The Ethics Committee must twenty-one (21) days from the date the complaints were referred to the Ethics Committee provide the Members with notices setting out the particulars of the complaints and request the Members to provide written responses to the complaints within twenty-one (21) days from the date of the notices or within any further extensions of time granted by the Ethics Committee;
- b) Within twenty-one (21) days from receiving the Members responses the Ethics Committee may notify the parties in writing of further information it is seeking. Members must provide the further information within fourteen (14) days from the date of the notices or within any further extensions of time granted by the Ethics Committee;
- c) Once the Ethics Committee decides there is sufficient information to determine the complaints it shall notify all the parties in writing of the date that the Ethics Committee will meet to determine the complaints and the procedures for the conduct of the disciplinary proceedings approved by the Board and specified in the By-laws from time to time;
- d) The Ethics Committee must meet to determine the complaints no later than twenty-eight (28) days from the date of the notices specified in clause 4(c) of this By-law; and
- e) The Ethics Committee must notify the complainants and the Members in writing of its determinations within seven (7) days from the date of its determinations.
- f) If the notification pertains to a determination of guilt, then the notification should contain a reference to the annual Complaints Report and indicate the option to make an application in accordance with Clause 8 below to suppress details.

4. DISCIPLINE

- a) The Ethics Committee may decide to impose one or more sanctions in the situation where Members are found guilty of misconduct. The various sanctions are set out below.

Sanctions available to the Ethics Committee:
 - i. Member's Membership being terminated and the Members permanently struck-off the Register;
 - ii. Members being suspended from Membership for a specified period not exceeding two (2) years;
 - iii. imposing a penalty of a formal reprimand;
 - iv. ordering Members to refund monies paid to them by the complainants (the maximum amount payable shall not exceed the total of amounts received from the complainants in relation to the provision of services by the Members which are the subject of the complaints made);

- v. ordering Members to undertake professional development courses prescribed by the Ethics Committee; and
 - vi. may recommend that Member's records note the guilty finding without imposition of any other penalty.
- b) The Ethics Committee must recommend to the Board that relevant regulatory authorities be notified of the Members misconduct.
 - c) In determining the appropriate penalties, the Ethics Committee must have regard to the seriousness of the misconduct.
 - d) Failure to comply with orders made by the Ethics Committee pursuant to this By-law constitutes misconduct.

5. APPEAL PROCESSES

- a) Members may appeal the determinations of the Ethics Committee by completing the approved notices of appeal and lodging them with the Secretary with the prescribed fees no longer than twenty-one (21) days from the date the Members received notice of the determinations pursuant to the Company's Constitution and this By-law.
- b) The Board shall convene a meeting with the Ethics Committee to determine the appeals as soon as practicable from the date it receives the notices of appeal.
- c) The Board may dismiss the appeals, resulting in no change to the Ethics Committee's findings.
- d) The Board may uphold the Ethics Committee's decisions but alter the penalties if it believes greater or lesser penalties are warranted in all the circumstances.
- e) The Board may uphold the appeals.

6. COMPLAINTS REPORT

- a) Each financial year, the Ethics Committee must prepare a Complaints Report which sets out statistics about:
 - i. the kinds and frequency of complaints made to the Company (except complaints under *TASA* about entities registered under *TASA*);
 - ii. findings made as a result of the complaints; and
 - iii. action taken as a result of those findings.
- b) The Complaints Report shall contain the names of the Members found guilty of misconduct, unless otherwise determined by the Board on an application to suppress details, made by the Member concerned in accordance with Clause 8 below,
- c) The Complaints Report will be made readily accessible on the Company's website on or before the date of the AGM for the relevant financial year and/or will be published in such other manner as approved by the Board.

7. APPLICATION TO SUPPRESS DETAILS

- a) An application to suppress details must be in writing and addressed to The Ethics Committee Secretary, TAI Practitioners & Advisers Ltd, at the current registered office address, within twenty-eight (28) days from the date of Ethics Committee's determination or the Board's determination pursuant to an appeal, as the case may be.
- b) The application must set out the reason why the Member believes that his/her name should not be disclosed.
- c) The Ethics Committee Secretary must within seven (7) days from the receipt of the application, refer the application to the Board.
- d) The Board shall convene a meeting with the Ethics Committee to determine the application as soon as practicable from the date it received the notice of application.
- e) The Ethics Committee must notify the Member of the determination of the Board within seven (7) days of such determination.