

## MEMBER GUIDE TO THE COMPLAINTS PROCESS

The Trustee is committed to ensuring that your membership of the Fund is a positive and trouble-free experience. However, if you do have a problem, please tell us so we can investigate your concerns, answer your questions and do all we can to resolve the situation.

### Who can make a complaint?

To lodge a complaint you need to be:

- a member of the Fund, or
- a former member of the Fund, or
- a deceased member's executor or estate administrator, or
- the holder of an Enduring Power of Attorney in relation to Property for a current or former member.

### What sort of complaints are covered?

Your complaint can relate to a problem about aspects of the Fund or the service received by you or the member.

### Who do I complain to?

If you have a complaint then you should first contact the Fund Secretary, Philippa Kalasih, who also acts as our Complaints Officer. Philippa's contact details for this purpose are:

Philippa Kalasih  
Complaints Officer  
NZAS Retirement Fund  
c/- Mercer (N.Z.) Limited  
PO Box 2897  
Wellington 6140

**Phone:**       **04 819 2641**, or via the Fund Member Helpline 0508 266 787  
(International +61 3 8306 0964)

**Email:**       [philippa.kalasih@merceroz.co.nz](mailto:philippa.kalasih@merceroz.co.nz)

Your complaint will generally be acknowledged within 2 to 3 working days after being received. If you do not receive an acknowledgement by then, please call or email Philippa.

### What do I need to do?

You can complain by telephone, email or letter. We would prefer your complaint to be in writing though (i.e. made by email or letter) to ensure that we do not misunderstand or misinterpret your concerns.

If we need more details, we may ask for further written information.

Before you complain, please compile all relevant supporting information, think about the questions you have and decide what you think would be a reasonable solution.

To enable us to address your concerns promptly, please include:

- your **full name** (and if you are an executor, estate administrator or Power of Attorney holder, the member's full name if different)
- your **address** and **contact details**
- your **date of birth** and **membership number** (or if you are an executor, estate administrator or Power of Attorney holder, the member's date of birth, and their membership number if known), and
- **full details** of the complaint.

If you are complaining as an executor, estate administrator or Power of Attorney holder, we will also need (as applicable):

- a copy of the grant of probate or letters of administration, or
- a Certificate of Non-Revocation and Non-Suspension of Enduring Power of Attorney.

### **How will I be notified of a decision?**

Following the Complaints Officer's acknowledgement of receipt, you will need to allow time for your complaint to be reviewed and sufficiently investigated.

The Complaints Officer will inform you of the Trustee's decision in writing as soon as practicable, and generally within 20 working days of receiving your complaint (though if your complaint is complex and/or we need you to provide more information, a decision may take up to 2 months).

In the event of any significant delay, you will be told when you can expect a decision.

### **What will the decision say?**

The Trustee's decision will be communicated to you in writing, at the address you provided when lodging your complaint. The Trustee (or the Complaints Officer on its behalf) will:

- refer to any legislation or Trust Deed provision that was relied upon in reaching the decision, and
- tell you what you can do if you are not satisfied with the decision.

### **What are my options if I am unhappy with the Trustee's decision?**

You can appeal to the Trustee board Chair in writing (via the Complaints Officer), advising that you are unhappy with the decision and the reasons why.

The Trustee board will then either attempt to resolve your complaint or advise you in writing that 'deadlock' has been reached.

If you have complained to us as described above and your complaint has reached deadlock in one of the following ways:

- it was made more than 20 working days ago and the Trustee has not notified you in writing (through the Complaints Officer):
  - that it has good reason to extend the time for resolving it, and
  - what that good reason is, or
- the complaint has taken longer than 2 months to resolve, or

- you do not accept any final proposal from the Trustee for resolving the complaint, or
- the Trustee informs you that deadlock has been reached,

you can refer your complaint to Financial Services Complaints Limited (**FSCL**), the financial ombudsman service which acts as our independent dispute resolution scheme provider.

### How do I complain to FSCL?

You can complain to FSCL by:

- calling **0800 347 257** (or **+64 4 472 3725** if you are calling from overseas), or
- emailing [complaints@fscl.org.nz](mailto:complaints@fscl.org.nz), or
- clicking [here](#) to complete FSCL's online complaints form, or downloading FSCL's [printable complaints form](#)
- and mailing it to FSCL (see below).

Alternatively, you can write to FSCL at:

Financial Services Complaints Limited  
PO Box 5967  
Wellington 6140

For more details see FSCL's website [www.fscl.org.nz](http://www.fscl.org.nz).

FSCL will not charge you a fee to investigate or resolve your complaint.

### Do I have to complain to FSCL within a set timeframe?

FSCL cannot consider your complaint if:

- more than 6 years have passed since you first became aware (or should reasonably have become aware) of the facts or events giving rise to the complaint, or
- you have not referred it to FSCL within 3 months (or 12 months in exceptional circumstances)<sup>1</sup> of being told by the Trustee:
  - that deadlock has been reached, and
  - of your right to complain to FSCL (with full contact details for FSCL), and
  - that if your complaint is not referred to FSCL within 3 months then it cannot consider the complaint.

FSCL can only deal with a complaint after you have first complained to us.

### Tim McGuinness

Chair  
NZAS Retirement Fund Trustee Limited

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<sup>1</sup> These may include the recent death of a family member, serious health issues, or significant incapacity.