



**XM**

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**COMPLAINTS  
MANAGEMENT POLICY**

## COMPLAINTS MANAGEMENT POLICY

Trading Point of Financial Instruments Pty Ltd (hereinafter the “Company” or “XM”) (ACN 164 367 113), operating under the business name XM.com promotes customer protection in the financial system and provides its clients with free and easy access to a fair, timely and effective internal dispute resolution procedure.

The Company offers its clients both internal and external dispute resolution procedures. Clients are encouraged to initially try to resolve any complaints or disputes through the internal complaints handling procedures. If a complaint cannot be successfully resolved using the internal complaints handling procedures, the complaint may be referred to the independent external dispute resolution scheme, the Australian Financial Complaints Authority (“AFCA”).

Accordingly, as part of XM’s commitment to providing the best possible service to its clients, we uphold effective and transparent procedures for prompt complaint management for all existing and potential clients. The Company maintains records of complaints and measures taken for complaint resolution, in line with applicable Laws, Rules and/or Regulations and we are pleased to operate in accordance with the standards and requirements set by the Australian Securities and Investments Commission (“ASIC”).

### 1. Types of Complaints handled

1.1. The Company will deal with any expression of dissatisfaction made to or about us, related to our products, services, staff or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required, in accordance with the Company’s ‘Complaints Management Procedure’ a summary of which is set out herein.

1.2. The reasons for dissatisfaction may include, but not be limited to, the following:

- a) a perceived injustice because of an alleged maladministration on our part, pertaining to:
  - i. your account(s) with us and/or the transactions and/or contracts carried out and/or reflected therein;
  - ii. your rights under the “Client Agreement/Terms and Conditions”, our “Product Disclosure Statement” and our “Financial Services Guide”, as disclosed in the ‘About Us’ section on our Online Trading Facility.
- b) a denial of a request for information regarding your account and/or the transactions and/or contracts carried out and/or reflected therein; and/or
- c) dissatisfaction with the way in which we respond to an enquiry and/or the time that we have taken to respond.

### 2. How to make a Complaint

2.1 Complaints may be made verbally or in writing. If you have a complaint about us, the financial products or services provided to you, staff or our handling of a complaint please take the following steps:

- a) Contact our Customer Care Department at [ausupport@xm.com](mailto:ausupport@xm.com) or via Live Chat and provide all the relevant details about your complaint;
- b) If your complaint is not satisfactorily resolved, you may ask to escalate your complaint to the Company’s Compliance Department or complete the Complaints Form that can be downloaded from the Members Area section on our Online Trading Facility, and submit it to the following email address: [aucomplaints@xm.com](mailto:aucomplaints@xm.com).

2.2 All complaints which are not resolved by our Customer Care Department will be handled by the Compliance Officer or, upon his instructions, by a member of the Compliance Department, and any action taken shall be in accordance with the procedures described below.

- 2.3** Our Compliance Officer will assist you if required in making your complaint so that all relevant facts are provided. Such assistance may include providing you with information about our internal dispute resolution procedures in a language other than English. We will also offer to provide you with translation services if required. You may also wish to appoint a representative to lodge a complaint on your behalf and deal with us in relation to the investigation of your complaint. Such a representative may be your financial counsellor, legal representative, a family member or a friend.
- 2.4** The internal dispute resolution procedures adopted by XM are free of charge and aim to provide you with feedback during the investigation of your complaint and you can contact the Compliance Officer at any time to obtain feedback on the status of your complaint.

### **3. How we will handle your complaint**

- 3.1** Upon receipt of a complaint, an acknowledgment will be provided to you within one (1) business day from the date the complaint was received, or as soon as practicable. This acknowledgement of receipt may be verbal or in writing. In determining the appropriate method of communication, we will take into account how you lodged your complaint and any preferences you may have expressed about communication methods.
- 3.2** We will gather and investigate all relevant evidence and supporting information regarding the complaint. The following information and documentation should, wherever possible, be obtained and recorded and provided to the Compliance Officer as part of your complaint, in order to ensure that the complaint is expedited in the most efficient and fair manner:
- Account Number;
  - Date the issue first occurred;
  - Summary of the complaint;
  - Disputed amount and currency; and
  - Any documentation or other material that may assist in the investigation and attempted resolution of the complaint.
- 3.3** Our acknowledgment response will contain details of our Complaint Management Procedure and may also request you to provide additional information or supporting documentation.
- 3.4** Our Compliance Officer will conduct an internal assessment and investigation based on the facts provided in your complaint.

### **4. Response**

- 4.1** Once we have completed our investigation regarding your complaint, we will provide you with our “Internal Dispute Resolution (“IDR”) response”, in order to inform you of the following:
- a) the final outcome of the complaint (either confirmation of actions taken by us to fully resolve the complaint or reasons for rejection or partial rejection of the complaint);
  - b) your right to take the complaint to the AFCA if you are not satisfied with the IDR response; and
  - c) the contact details for AFCA.
- 4.2** The IDR response will identify and address the issues raised by you in the complaint, will set out our findings and refer to information that supports the findings and provide enough detail for you to understand the basis of our decision to enable you to be fully informed.
- 4.3** Remedial action can be a variety of alternatives and may range from an apology to financial compensation. Where a financial remedy is considered appropriate by us, the aim is to provide you with fair compensation for any loss you have suffered.
- 4.4** If you feel that our IDR response to your complaint does not fully address the issues raised and you feel that your complaint has not been resolved to your satisfaction, the Compliance Officer will inform you that you can lodge a complaint with AFCA [contact details below], an approved external dispute

resolution scheme, of which the Company is a member (membership number 33339). AFCA provides fair and independent financial services complaint resolution that is free to consumers.

**Australian Financial Complaints Authority**

**Website:** <https://www.afca.org.au/>

**Email:** [info@afca.org.au](mailto:info@afca.org.au)

**Telephone:** 1800 931 678 (free call)

**In writing to:** Australian Financial Complaints Authority, GPO Box 3, Melbourne VIC 3001.

**4.5** If we reject, or partially reject, your complaint, our IDR response will clearly set out the reasons for the decision by:

- a) identifying and addressing the issues raised in the complaint;
- b) setting out our findings on material questions of fact and referring to the information that support those findings; and
- c) providing enough detail for you to understand the basis of the decision and to be fully informed when deciding whether to escalate the matter to AFCA or another forum.

**5. Timeframes**

**5.1** We will make all efforts to deal with your complaint in a prompt and efficient manner. We will provide our IDR response to you no later than 30 calendar days after receiving the complaint. Some complaints can be resolved more quickly depending on the facts and the nature of the complaint. If the complaint is more complex and takes longer, we will communicate the reasons for the delay. In some cases, our IDR response time might be delayed if:

- a) The resolution of the complaint is particularly complex; and/or
- b) The circumstances beyond the Company's control are causing complaint management delays.

**5.2** If we are not able to provide you an IDR response within 30 calendar days after receiving the complaint, and before that time is reached, we will give you an "IDR delay notification" which will inform you about the reasons for the delay, your right to complain to AFCA if you are dissatisfied and the contact details for AFCA.

**5.3** Unless you request a written response to your complaint, we have no obligation to provide an IDR response to you in cases where we close the complaint by the end of the fifth business day after receipt, in circumstances where we:

- a) Have resolved the complaint to your satisfaction; or
- b) Have given you an explanation and/or apology when we can take no further action to reasonably address your complaint.

**5.4** We will consider that the complaint has been resolved to your satisfaction if you have confirmed that you are satisfied with the actions taken by us in response to the complaint and do not wish to take the matter further.

**6. Civil Action**

**6.1** Without prejudice to any rights you may have to refer a complaint to the AFCA, as set out in sub-clause 4.above, each of the parties irrevocably:

- a) Agrees that the courts of New South Wales will have jurisdiction to settle any proceedings and submits to the jurisdiction of such courts (provided that this will not prevent us from bringing any proceedings against you in the courts of any other jurisdiction); and
- b) Waive any objection which it may have at any time to proceeding brought in any such court and agrees not to claim that such proceeding has been brought in an inconvenient forum or that such court does not have jurisdiction over it.

## **7. Monitoring of Complaints**

- 7.1** We maintain detailed records on individual complaints. Further to this and as per the ASIC requirements, we maintain an internal register of complaints where all relevant information and progress of each complaint is kept.
- 7.2** We are required to provide reports about complaints data regularly to the Senior Management and the Company's board. These data include, among other, the number of complaints received, the time taken to acknowledge and resolve complaints, complaint outcomes, possible systemic issues identified etc.

## **8. Privacy**

Your privacy is important to us. Personally identifiable information concerning the complaint will be kept confidential and not disclosed unless needed for the purpose of addressing the complaint or if the relevant client's consent is obtained, or as otherwise required by law. We may disclose statistical non-personally identifiable complaints data within the Company, or externally, at our discretion, in accordance with the relevant laws and regulations.