

**FINANCIAL ADVISORY & INTERMEDIARY SERVICES ACT 37 OF 2002 ("FAIS")
COMPLAINTS HANDLING PROCESS**

**MORTGAGESA FINANCIAL SERVICES (PTY) LTD
POLICY FOR DEALING WITH COMPLAINTS**

At MortgageSA we aim to provide first-class products and a highly professional service. There will however, inevitably be occasions when clients need to have complaints resolved, and it's in the interest of all parties that this is done promptly, satisfactorily and in line with current legislation.

As you may be aware, FAIS came into effect on the 30 September 2004. FAIS regulates the business of rendering financial services to clients in respect of financial services products. These services include the furnishing of financial advice in connection with a financial product and also various intermediary services such as managing, administering and the keeping in safe custody of financial products. At the heart of FAIS lies consumer protection. It seeks to create a better informed consumer of financial services and to achieve standardisation in the regulation of the rendering of financial services.

THE ROLE OF THE FAIS OMBUD

With effect from 30 September 2004, FAIS created an Ombud for Financial Services Providers ("FAIS Ombud") to consider and dispose of complaints lodged by clients against Financial Services Providers ("FSPs") in a procedurally fair, informal, economical and expeditious manner and within a framework that is equitable in light of all of the circumstances.

In the investigation and disposal of complaints the FAIS Ombud acts independently, impartially and objectively. The complainant and any other party to the complaint, are expected to give their fullest co-operation to the disposal of the complaint within a reasonable time. The services of the FAIS Ombud are confined to mediation, conciliation or the determination of complaints.

COMPLAINTS WHICH MAY BE REFERRED TO THE FAIS OMBUD

The FAIS Ombud deals with complaints submitted to the office by a specific client against a Financial Services Provider ("FSP"). For a complaint to be submitted to the FAIS Ombud it must relate to a financial service rendered by an FSP to the complainant. In addition, the complaint will only be considered if it is alleged that the FSP or its representative :

- a) has contravened or failed to comply with a provision of FAIS and that as a result thereof the complainant has suffered or is likely to suffer financial prejudice or damage;
- b) has wilfully or negligently rendered a financial service to the complainant and has caused prejudice or damage to the complainant or which is likely to result in such prejudice or damage; or
- c) has treated the complainant unfairly.

Provided a party performs the function of furnishing advice or rendering an intermediary service in respect of a financial product, that party will be subject to the jurisdiction of the FAIS Ombud. The complaint must not relate to the investment performance of a financial product, unless such performance was guaranteed in express terms or such performance appears to the FAIS Ombud to be so deficient as to raise a prima facie presumption of fraud, negligence or maladministration on the part of the responding party.

The complaint must not constitute a monetary claim in excess of R800 000,00 unless the responding party has agreed in writing to this limitation being exceeded. In addition, the act or omission complained of must have occurred on or after the 1 October 2004. Before submitting a complaint to the Office, the complainant must endeavour to resolve the complaint with the responding party. The responding party has six weeks in which to resolve the complaint with the complainant. After receipt of the final response of the responding party, the complainant has six months within which to submit the complaint to the FAIS Ombud.

Before submitting a complaint to the FAIS Ombud, the complainant must endeavour to resolve the complaint with the responding party. After the complainant has received the final response of the responding, s/he has six months within which to submit a complaint to the FAIS Ombud.

HOW MORTGAGESA DEALS WITH COMPLAINTS

Because we greatly value our relationship with you, we do everything possible to resolve complaints ourselves to the satisfaction of our clients. MortgageSA, takes all appropriate steps to investigate and respond to complaints promptly and to resolve them internally in a manner that is fair to the complainant, MortgageSA and its staff members.

MortgageSA ensures that complainants have access to its internal procedures for the resolution of complaints, co-operates fully with the FAIS Ombud and provides assistance to all parties when required to do so. MortgageSA does not charge complainants for the use of its internal complaints resolution procedures, nor for any efforts on the part of MortgageSA to consider and resolve a complaint. Internal follow-up procedures are implemented to avoid occurrences that might give rise to complaints, and in order to improve client service and the complaints procedure where necessary. In addition, appropriate management controls are put in place to ensure that the complaints-handling process is properly monitored and supervised.

INTERNAL PROCEDURE FOR THE RESOLUTION OF COMPLAINTS

1. All complaints must be lodged in writing and contain all relevant information. Copies of all supporting documentation must be attached to the complaint. For your edification, the contact details of our Compliance Officer are as follows :

Rhys Dyer

Compliance Officer

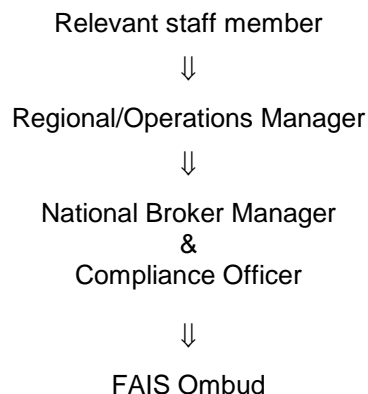
Telephone number: 021 481 7300

Fax number : 021 481 7387

Email : rhys@mortgagesa.com

MortgageSA, Mortgagesa House, 33 Bree Street, Cape Town, 8001

2. Receipt of complaints must be acknowledged in writing within 5 days of receipt of the complaint.
3. When MortgageSA receives a complaint, it must be assigned a reference number and recorded accurately in the Complaints Register.
4. Once a complaint has been received and recorded, it is forwarded to the relevant staff member for resolution.
5. The client must be given the full particulars of the staff member responsible for resolving the complaint.
6. If the complaint is not resolved to the satisfaction of the complainant within 1 week of receipt thereof, it must be escalated as follows, allowing the recipient at each level two weeks to resolve the complaint satisfactorily :



7. MortgageSA must inform the complainant in writing of the results of the consideration within six weeks of receiving the complaint.

8. Where a complaint is resolved in favour of a complainant, the complainant must be offered full and appropriate redress within one month of resolution of the complaint.
9. If the outcome is not favourable to the complainant, full written reasons must be furnished to him/her within 6 (six) weeks of receipt of the complaint. In addition, the complainant must be advised that s/he may, within 6 (six) months, pursue the complaint with the Ombud, whose name, address and other contact particulars must simultaneously be provided to the complainant.
10. If a complainant, after dismissal of his/her complaint, wishes to pursue further proceedings before the FAIS Ombud, a summary of the provisions of FAIS and the Rules that will apply must be furnished to the complainant.
11. MortgageSA and/or its representative(s) must respond to any request from the FAIS Ombud within two weeks of being requested to do so.

WHAT ARE YOUR RIGHTS & DUTIES AS A COMPLAINANT?

1. Before submitting a complaint to the Office of the FAIS Ombud, you must endeavour to resolve the complaint with the responding party.
2. After receiving the responding party's final determination, you have six months to submit a complaint to the FAIS Ombud.
3. When you submit a complaint to the FAIS Ombud, you will be required to produce the final response (if any) of the responding party as well as your reasons for disagreeing with it.
4. You must submit your complaint to the FAIS Ombud in writing or, in appropriate circumstances, you may deliver your complaint to the FAIS Ombud in any other comprehensible form.
5. Your complaint must be accompanied by all relevant documentation your possession.
6. The FAIS Ombud must inform you of the responding party's response to the extent necessary to enable you to react to such response and to decide whether you wish to pursue the complaint. You must inform the FAIS Ombud within two weeks of your reaction and decision.
7. After lodging a complaint with the FAIS Ombud, you are entitled to submit further facts, information or documentation in connection with the complaint.

8. Should the FAIS Ombud request further documentation or information you are obliged, as far as possible, to submit same.

WHAT ARE THE RIGHTS & DUTIES OF THE RESPONDING PARTY?

1. The responding party must ensure that you have full knowledge of :
 - The procedure for the resolution of client complaints;
 - Your rights and duties as set out above; and
 - The rights and duties of the responding party as set out below.
2. The responding party must send you a written acknowledgement of the complaint as soon as possible, together with details of the relevant contact people.
3. If the responding party has been unable to resolve the complaint satisfactorily within six weeks of receipt thereof, it must inform you that -
 - You may refer the complaint to the FAIS Ombud should you wish to pursue the complaint further; and
 - You should do so within six months of receipt of such notification.
4. If you submit a complaint to the FAIS Ombud, you must give the responding party sufficient information regarding your complaint to enable him/her to respond fully thereto.
5. The responding party is entitled to submit any fact, information or documentation in relation to the complaint and must disclose relevant information or documentation to the FAIS Ombud.
6. If the FAIS Ombud considers it necessary, the responding party must discuss the complaint with the FAIS Ombud and furnish any further relevant information which may be required.
7. The responding party is required to act professionally and reasonably and to co-operate with the FAIS Ombud with a view to ensuring the efficient resolution of the complaint.

FAIS OMBUD : PROCEDURE FOR THE RESOLUTION OF COMPLAINTS

1. In investigating a complaint, the FAIS Ombud may follow and implement any procedure which it deems appropriate, and may allow any party the right to legal representation.
2. The FAIS Ombud must first explore any reasonable prospect of resolving a complaint by a conciliated settlement between the parties, endeavouring to mediate such a settlement or to make a recommendation as to how the complaint be resolved.

3. Where a matter has not been settled or the FAIS Ombud's recommendation not accepted by the parties, the FAIS Ombud will make a final determination which may include -
 - a) the dismissal of the complaint; or
 - b) the upholding of the complaint wholly or partially eg by awarding the complainant an amount as fair compensation for financial prejudice or damage suffered.
4. The FAIS Ombud's determination has the effect of a civil judgement of a court.
5. A determination is appealable to an appeal tribunal but only with the leave of the FAIS Ombud who will take into consideration the complexity of the matter and whether there is a reasonable likelihood that the appeal tribunal may reach a different conclusion. There is a further right of leave to appeal to the Chair of the appeal tribunal, should the FAIS Ombud refuse leave to appeal.

SUMMARY DISMISSAL OF COMPLAINTS

A complaint may be dismissed summarily if on the facts provided by the complainant it appears to the FAIS Ombud that -

- a) the complaint does not have a reasonable prospect of success;
- b) the responding party has made an offer which is fair and reasonable and which is still open for acceptance by the complainant;
- c) the matter has previously been considered by the FAIS Ombud or has essentially been decided in court proceedings;
- d) the subject matter of the complaint is pending in court proceedings; or
- e) the complaint is being pursued in a frivolous, vexatious or abusive manner.

COSTS AWARD

No upfront fees are payable to the FAIS Ombud by the complainant. The responding party may be charged a case fee of R1000,00 once the complaint has been accepted. The FAIS Ombud is entitled to quantify the costs of the complainant and award costs -

- a) against the complainant if, in the opinion of the FAIS Ombud, the conduct of the complainant was improper or unreasonable or the complainant was responsible for an unreasonable delay in the finalisation of the matter; and
- b) against the respondent at the discretion of the FAIS Ombud, having regard to the nature of the complaint, the time spent on the complaint, the expense and inconvenience caused to a third party and the conduct of the party in resolving the complaint.

EFFECTIVE DATE

The office of the FAIS Ombud will officially accept complaints on or after 1 October 2004.