CONSTELLATION CAPITAL (PTY) LTD

(Registration no. 2006/001080/07)

COMPLAINTS RESOLUTION POLICY

Document Ref	CRP-CC	Responsible for Implementation	Compliance Officer
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1. Introduction

Complaints are unfortunately unavoidable and we have therefore set out the following complaints resolution policy to deal with any client complaints. The policy has been explained to all staff members, employees and brokers working under mandate or currently employed.

2. Procedure in respect of complaints

Any complaint and all communications in connection therewith must be in writing. Any verbal communications made must be confirmed in writing within three days. Once a complaint is received it must be lodged in the complaints register and the client must be supplied with a written confirmation of receipt. Thereafter an investigation will be made and we will revert to the client with our preliminary findings. The client should be updated during the investigation of the progress, and be assured that the complaint is receiving fair, efficient and prompt attention. The preliminary findings will be discussed and a proposed solution will be communicated to the client within 4 weeks of receipt of the complaint. If the client is not satisfied with our solution, we will regard the complaint as being unsatisfactorily resolved. In such a case, the client may approach the office of the Director, JSE Surveillance Department in accordance with the provisions of section 17.60.2 of the JSE's Derivative Rules.

The client must, if they wish to refer a matter to the JSE Surveillance Department, do so within 4 weeks of the receipt by the complainant of the Constellation's response referred to in rule 17.30 and within 6 months of the conduct by Constellation giving rise to the complaint. The following is a step-by-step guideline that sets out the procedure we will adopt and shows how a complaint will be dealt with, once received by us:

2.1 A complaint received in terms of Section 17.10 of the JSE Derivative Rules and all communications in connection with the complaint must be in writing. All verbal communications made in connection with the complaint must be confirmed in writing within three days of the communication.

2.2 The complaint will be lodged in our complaints register (with specific reference to Section 17.50 of the JSE'S Derivative Rules noted below) on the same day that it is made and written confirmation of receipt will be forwarded to the client. All documentation with regard to the complaint and subsequent investigation must be kept for 5 years from the date of first receipt of the complaint. Any correspondence and communication can be found in the complaints register and supplementary files.

2.3 The complaint will be investigated by Constellation's Compliance Officer or a Director if the Compliance Officer is materially involved. In the event that we are able to resolve the complaint within 2 working days, to the satisfaction of the client, by providing the client with an acceptable explanation and no act as mentioned in 17.10 of the rules has occurred, and no compensation is due to the client, the matter can be considered as dealt with.

2.4 If a solution as contemplated in 3 above cannot be achieved, the complaint will be investigated and we will revert to the client with our preliminary findings within 2 weeks from the date of receipt of the complaint.

2.5 The preliminary findings will be discussed with all internal parties concerned, and a proposed solution will be communicated in writing by the CO to the client within 4 weeks from the date of receipt of the complaint. Communication will be by whatever means deemed appropriate. All of Constellation's actions in terms of complaints resolution should be done in line with Section 17.20 of the JSE's Derivative Rules as noted below.

2.6 Where a solution in the form of compensation is offered and agreed to by the complainant, Constellation should make good on the compensation as soon as reasonable possible.

2.7 If the client is not satisfied with our solution, we will regard the complaint as being unsatisfactorily resolved. In such a case, the client may approach the office of the Director, JSE Surveillance Department or take such other steps as may be advised by a legal representative.

2.8 The referral to the office of the Director, JSE Surveillance must be done in accordance with the provisions of section 17.60 of the JSE's Derivative Rules and the rules promulgated in terms of that section.

2.9 The client must, if they wish to refer a matter to the Director, JSE Surveillance, do so within a period of six months. The Director will not adjudicate in matters involving less than R2000 or, in the case of a dispute between members, exceeding a value of R500 000.00, unless agreed to by both parties.

2.10 **The Director, JSE Surveillance may be contacted at the following address:**

The Director
JSE Surveillance Department
JSE Limited
One Exchange Square, Gwen Lane,
Sandown, 2196
Email: surveillance@jse.co.za
Tel: +27 11 520 7000

2.11 In terms 17.60.7 of the rules, if the JSE Surveillance Department is unable to facilitate a resolution of the complaint within 4 weeks of lodgement of the complaint with it, the Director: Surveillance will refer the unresolved complaint to the Company Secretary of the JSE to be dealt with in terms of the dispute resolution rules.

2.12 In the event that an unresolved complaint has been elevated to a dispute in terms of the relevant legislation, Constellation will be led by the office of the Director JSE Surveillance, the Company Secretary of the JSE or a duly appointed Ombud.

2.13 Once a complaint has been received and resolved, or otherwise, the compliance officer will raise the matter with the CEO and directors with a view to identifying possible recurring or systemic problems and ensuring that they are remedied.

3. Extract - JSE Derivatives Rules – December 2023

Complaints

17.10 Client complaints

17.10.1 For the purposes of Section 17 of the rules, a client complaint is defined as any complaint in relation to the provision of regulated services, in which the client alleges that he has suffered, or is likely to suffer, financial prejudice as a result of the trading member –

17.10.1.1 contravening or failing to comply with any instruction given by the client, or any agreement or mandate entered into with the client;

17.10.1.2 contravening or failing to comply with the rules and the directives;

17.10.1.3 acting dishonestly, negligently or recklessly; or

17.10.1.4 treating the client unreasonably or unfairly.

17.10.2 Every trading member must establish and maintain appropriate procedures for the handling of client complaints.

17.20 Internal complaint handling procedures

17.20.1 A trading member's internal complaint handling procedures must provide for –

17.20.1.1 information regarding the JSE Ombud Scheme to be provided to a client at the time that the member notifies the client of the member's decision in terms of rule 17.20.1.5, which information must include the existence of the Scheme, the Scheme's contact details, and the procedure for lodging an unresolved complaint with the Scheme in terms of rule 17.60;[117]

17.20.1.2 the receipt of oral or written complaints;[118]

17.20.1.3 the appropriate investigation of complaints;

17.20.1.4 an appropriate decision-making process in relation to the response to a client complaint;

17.20.1.5 notification of the decision to the client; and

17.20.1.6 the recording of complaints.

17.20.2 A trading member's internal complaint handling procedures must be designed to ensure that –

17.20.2.1 all complaints are handled fairly, effectively and promptly;

17.20.2.2 recurring or systemic problems are identified, investigated and remedied;

17.20.2.3 the number of unresolved complaints to be referred to the JSE

in terms of the rule
17.60 are minimised;

17.20.2.4 complaints are investigated by an employee of sufficient competence who, where appropriate, was not directly involved in the matter which is the subject of a complaint;

17.20.2.5 the employee responsible for the resolution of complaints has the necessary authority to resolve complaints or has ready access to an employee who has the necessary authority; and

17.20.2.6 relevant employees are aware of the trading member's internal complaint handling
procedures and comply with them.

17.30 Timeous response to complaints

A trading member must respond to a client complaint within 4 weeks of receiving the complaint in terms of rule 5.20.1.1 or, within such period, provide the complainant with an appropriate explanation as to why the trading member is not, at that time, in a position to respond and must indicate by when the trading member will respond.

17.40 Redress

17.40.1 Where a trading member decides that redress in the form of compensation is appropriate in resolving a complaint, the trading member must provide the complainant with fair compensation and must comply with any offer of compensation made by it which the complainant accepts.

17.40.2 Where a trading member decides that redress in a form other than compensation is appropriate in resolving a complaint, the trading member must provide the redress as soon as practicable.

17.50 Recording of complaints

17.50.1 A trading member must maintain a record of all client complaints. The record of each complaint must include –

17.50.1.1 the identity of the complainant;

17.50.1.2 the substance of the complaint; and

17.50.1.3 all correspondence in relation to the complaint.

17.50.2 The records referred to in rule 17.50.1 must be retained by the trading member for a period of 5 years from the date of the receipt of the complaint.

17.60 Unresolved client complaints

17.60.1 A client complaint will be deemed to be unresolved if the complainant is not satisfied with the resolution of the complaint proposed by the trading member.

17.60.2 A complainant may lodge an unresolved complaint, in writing, with the

Director: Market Regulation giving full particulars of the matter concerned.

17.60.3 In order for an unresolved complaint to be considered by the JSE Market Regulation Division the complaint must be lodged with the Director: Market Regulation within 4 weeks of the receipt by the complainant of the trading member's response referred to in rule 17.30 and within 6 months of the conduct by the trading member giving rise to the complaint.

17.60.4 An unresolved complaint which is lodged subsequent to the period referred to in rule 17.60.3 will be considered, provided that failure to lodge the complaint within the relevant period was through no fault of the client.

17.60.5 The JSE Market Regulation Division may request the trading member and the complainant to provide copies of all relevant correspondence and documentation that is required to review the complaint.

17.60.6 The JSE Market Regulation Division will endeavour to facilitate a resolution of the complaint between the trading member and the complainant.

17.60.7 If the JSE Market Regulation Division is unable to facilitate a resolution of the complaint within 4 weeks of lodgement of the complaint with it, the Director: Market Regulation will refer the unresolved complaint to the Company Secretary of the JSE to be dealt with in terms of the dispute resolution rules.

Disputes

17.70 Applicability of dispute resolution rules

17.70.1 Rules 17.70 to 17.120 ("the dispute resolution rules") are intended to facilitate the equitable and expeditious settlement of disputes that –

17.70.1.1 a client has with a trading member, in respect of an unresolved complaint;

17.70.1.2 a trading member has with another trading member, in respect of transactions in derivative securities; or

17.70.1.3 a trading member has with a client, in respect of transactions in derivative securities.

17.70.2 The dispute resolution rules only apply –

17.70.2.1 where the amount in dispute is in excess of R2 000;

17.70.2.2 where the dispute is not the subject of existing litigation;

17.70.2.3 in the case of a dispute that a client has with a trading member, where the amount in dispute either does not exceed R500 000 or, where the amount in dispute exceeds R500 000, if the consent of both parties to proceed has been obtained;

17.70.2.4 in the case of a dispute that a trading member has with another trading member, if the trading members are able to evidence to the satisfaction of the Director: Market Regulation that reasonable endeavours have been made by the said trading members to resolve the dispute, and if the consent of both parties to proceed has been obtained;

17.70.2.5 in the case of a dispute that a trading member has with a client, if the consent of the client to proceed has been obtained.

17.80 Reporting of a dispute

17.80.1 An unresolved client complaint that the JSE Market Regulation Division is not able to resolve in terms of rule 17.60 will be reported as a dispute by the Director: Market Regulation to the Company Secretary of the JSE if the client elects to pursue the dispute resolution process.

17.80.2 A dispute between two trading members in respect of transactions in derivative securities must be reported in writing, by either trading member, to the Company Secretary of the JSE, within 1 week of the circumstance giving rise to the dispute having arisen.

17.80.3 A dispute that a trading member has with a client in respect of transactions in derivative securities must be reported in writing, by the trading member, to the Company Secretary of the JSE, within 6 months of the circumstance giving rise to the dispute having arisen.

17.80.4 The Company Secretary of the JSE may, at any time, request any of the parties to a dispute to furnish him with such further information relating to the dispute as may be required.

17.90 Declaration of a dispute

A dispute reported in terms of rule 17.80 will, subject to the criteria set out in rule 17.70.2 having been met, be declared a dispute by the Company Secretary and will be referred by the Company Secretary to a duly appointed ombud for consideration.

17.100 Consideration by an ombud

17.100.1 The Ombud Committee will appoint an ombud to consider a dispute, who is a retired judge of the High Court of South Africa or a Senior Counsel.119

17.100.2 Within 3 weeks of the dispute having been referred to the ombud for consideration, the claimant must set out the subject matter of the claim in a written statement, including all the material facts, and furnish this statement, along with all relevant documentation upon which the claim is based, to the ombud.

17.100.3 The ombud may require the claimant to expand upon his statement of claim or provide further evidence or particulars as he deems necessary within such reasonable time as is specified by the ombud.

17.100.4 The other party to the dispute, hereafter referred to as the defendant, must be provided with a copy of the written statement of claim by the ombud. The defendant must furnish the ombud with its written response to the statement of claim within 3 weeks of having received such. In addition to the defendant's written response, the defendant must attach thereto all other evidence relating to the dispute.

17.100.5 The ombud may require the defendant to expand upon its response or provide further evidence or particulars as he deems necessary within such reasonable time as specified by the ombud and may require the claimant to provide a written reply to the defendant's response within such reasonable time as he may specify.

17.100.6 The ombud may at his discretion decide that a number of disputes based on similar occurrences or similar facts be consolidated and treated as a single dispute.

17.100.7 After ascertaining the parties availability, the ombud will, subject to rule 17.100.8, furnish the parties with written notification of the date on which the dispute will be heard.

17.100.8 The ombud may make a decision regarding any issues relating to the dispute or consider the dispute on the basis of the documents submitted in terms of rules 17.100.2 to 17.100.5 without the necessity of a hearing.

17.100.9 The dispute resolution proceedings will be conducted without legal representation of any of the parties, unless the ombud in his sole discretion decides otherwise.

17.100.10 The ombud, in reaching a decision, may consult with any third party regarding any issue relating to the dispute. The ombud has the discretion to call upon any third party to participate in the dispute resolution proceedings.

17.100.11 The ombud must apply principles of equity, where appropriate, when dealing with a dispute.120

17.100.12 The ombud will, after having considered the information as presented to him by the parties and such other information as he may request, make his decision within 3 weeks of having considered the dispute. The ombud must, at the request of any party to the dispute, provide written reasons for his decision.121

17.100.13 The ombud's decision will be furnished to the parties in writing.

17.100.14 The ombud is not obliged to provide a ruling on a dispute if he is of the view that the dispute if of such a complex nature that it cannot be resolved expeditiously by means of the dispute resolution process and can only be properly considered by a court of law.

17.100.15 Any decision made in terms of rule 17.100.13 must be complied with by the party against whom the decision is made within seven days of the decision having been made by the ombud. 122

17.100.16 Unless the JSE, the ombud and the parties to the dispute agree otherwise, the identity of the parties, the nature of the evidence and the details of the ombud's deliberations and finding, and all other information pertaining to the proceedings will be kept confidential by all parties thereto, unless disclosure by the JSE is required by law.

17.100.17 The ombud's engagement may be terminated by the Ombud Committee in accordance with rule
1.41.4.2.3.123

17.110 Costs of the proceedings

17.110.1 The parties to any dispute resolution proceeding in terms of rule 17.100 may be required to pay to the JSE, before the proceedings commence, such amount as the JSE may determine as a deposit to cover a portion of the costs of the proceedings.

17.110.2 The ombud may, as part of his award and as he deems appropriate in the circumstances, make an order on costs which may include an order against the unsuccessful party for payment of all the costs of the proceedings.