



This Policy covers the entities and employees, including but not limited to the Mitolo Group and Mitolo Holdings

## Competition and Consumer Law Complaints Handling Policy and Procedure

### Definitions

For the purpose of this policy the following terms apply:

- A. "Compliance Officer" refers to the Chief Financial Officer.
- B. "Complainant" refers to any person (including Mitolo staff)

### Purpose

This document sets out the Mitolo Group's (**Mitolo**) requirements and procedures for recording, storing and responding to complaints which it receives concerning competition and consumer law matters (**CCA Complaints Handling Policy**).

This policy has been implemented as part of Mitolo's Competition and Consumer Law Compliance Program which is outlined in Mitolo's Competition and Consumer Law Compliance Policy (**Version 1, 13/10/19**). This CCA Complaints Handling Policy should be read together with Mitolo's Competition and Consumer Law Compliance Policy.

### Scope

This policy applies to all complaints made to Mitolo which raise possible non-compliance with the requirements of the *Competition and Consumer Act 2010 (Cth)* (**CCA**) or *Australian Consumer Law (ACL)* (**CCA Complaints**). This includes complaints which relate to:

- unfair contract terms which may be prohibited under the ACL;
- the requirements of the Horticulture Code of Conduct (**Code**);
- possible false misleading or deceptive conduct, statements or representations including about Mitolo's products and services;
- possible anti-competitive, unconscionable, unfair or bad faith conduct.

Sometimes CCA Complaints may involve or include Protected Disclosures covered by Mitolo's Whistleblower Protection Policy (**Version 1 20/10/2019**). If so the disclosure must be dealt with strictly in accordance with the Whistleblower Protection Policy and this policy will only apply to the extent that is allowed under the Whistleblower Protection Policy.

### Policy

Mitolo is committed to handling internal and external CCA Complaints in a clear, effective and professional manner.



Any person (including any Mitolo staff member) who has any concern about matters covered by this policy may lodge a complaint. That complaint should be directed to the Compliance Officer appointed under Mitolo's Competition and Consumer Law Compliance Policy.

If any other Mitolo personnel receive a complaint which may be covered by this policy it must be referred to the Compliance Officer as soon as possible.

All employees of Mitolo must familiarise themselves with and ensure compliance with this policy and any amendments. Failure to do so may result in disciplinary action. Any questions about the application of this policy should be directed to the Compliance Officer. This policy does not form any part of any contract of employment.

## **Complaints Handling Process**

Mitolo may receive a complaint through any channel, including:

- by telephone;
- by email;
- via the website enquiry form;
- in writing to Mitolo Head Office:

The Mitolo Group  
1304 Angle Vale Road (PO Box 520)  
VIRGINIA SA 5120

- via a Mitolo staff member or representative.

In each case, the complaints handling process outlined below should be followed.

The person who first receives the complaint, if it is not the Compliance Officer, must report the complaint to the Compliance Officer.

The Compliance Officer, or another other staff member under the Compliance Officer's direction, will:

- as soon as reasonably practicable, acknowledge receipt of the complaint with the complainant;
- record the complaint in the Complaints Register (see Annexure A) giving the complaint a unique identification number;
- gather information to investigate the complaint.

The Compliance Officer may decide that it is appropriate to obtain legal advice in relation to the complaint.

The Compliance Officer or their delegate will:

- investigate and attempt to deal with and, where appropriate, resolve the complaint with the complainant, within a reasonable period;
- subject to legal or confidentiality considerations, inform the complainant of Mitolo's response to the complaint and any remedial action Mitolo has taken or intends to take.

If it is determined that Mitolo is not at fault or liable, the Compliance Officer will ensure that the complainant is informed in writing including a summary of the reasons for Mitolo's determination.



If the complainant notifies Mitolo that it is not satisfied with Mitolo's response or actions in relation to the complaint this must be recorded in the Complaints Register.

The Compliance Officer will regularly review the Complaints Register to ensure that all complaints are being dealt with in accordance with this policy, and to identify and address any trends in the complaints being made.

A template setting out the format for the Complaints Register is annexed to this Policy (Annexure A).

The Complaints Register must be retained for a minimum of seven years from the making of a complaint.

## **Roles & Responsibilities**

### **Chief Operations Officer (Compliance Officer)**

- Identify, assess and inquire into complaint report
- Conduct an investigation into the complaint
- Liaise with regulators and industry stakeholders on complaints handling

### **Senior Manager/Manager**

- Be aware of the Complaints Handling Process
- Report any complaints directly to the Compliance Officer
- Assist where required with investigations

### **Employee**

- Be aware and comply with the Policy
- Report any complaint to the appropriate manager

## **Review of Policy**

This policy will be reviewed by the Responsible Officer and/or Group Human Resource Manager and/or Senior Managers and Managers and/or employee representative.

This review will include analysing possible improvements to assist in educating all employees on the Policy.

## **Dissemination of Policy**

Employees will be notified of all company policies during the Induction Process. All employees will have access to policies through request to their Manager at a central location point. All employees will be notified of any changes to policies through company procedure.

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Frank Mitolo  
Managing Director

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Date



**ANNEXURE A –COMPLAINTS REGISTER**

[Note: if a regulator is involved, the Whistleblower Protection Policy may apply, or legal action may arise consider seeking legal advice before taking any action]

Complaint number	Complainant name and contact details	Date complaint received	Complaint first received by	Business division that complaint relates to	Details of complaint	Outcome and action taken and communications with complainant	Status (Open/closed)  If closed, details of notification to complainant