

handling complaints and
breaches
guidance for signatories

July 2021



Australian
Carbon Industry
Code of Conduct
SIGNATORY



Purpose and Scope

The Carbon Industry Code of Conduct seeks to set a higher standard of practice than current legislation requires, and in doing so create consistency of practice across industry and improve the baseline performance of market participants. This is in line with the Code's mission to enhance the integrity, transparency and accountability of Australia's carbon industry.

As a Signatory to the Code, if you receive a complaint, you are required to be responsive and deal appropriately with clients and other stakeholders in a timely manner. You are also required to have a fair, efficient and transparent internal complaints handling procedure.

This document provides guidance to Signatories on how to handle complaints and suspected breaches received from clients and other industry stakeholders.

This procedure has been developed to align with the Joint Australian/New Zealand Standard Guidelines for complaint management in organizations (AS/NZS 10002:2014).

Internal processes

Your internal complaints handling procedures must be compliant with relevant legislation and standards on handling complaints in organisations, e.g. *AS/NZS 10002:2014: Guidelines for complaint management in organizations*. Information on how your organisation deals with complaints must be made available to your staff and clients.

Upon receiving a complaint from a client, stakeholder or other party, you are required to respond in a timely manner and provide feedback as soon as possible on the expected timeframe for resolution. Within 21 days of receipt of the complaint, you must provide the complainant with feedback on the outcome. If additional time is required, you must inform the complainant and the Code Administrator of this requirement. Signatories must complete their investigation and respond to the complainant no later than 45 days after receiving the original complaint.

If the complainant is not satisfied with the outcome of the investigation undertaken, they may escalate this to the Code Administrator. Contact details for the Code Administrator must be provided to the complainant if required. The complainant may lodge a complaint with the Code Administrator by completing the **Client Complaint Form** available on the Code website's [Resources](#) page. The complainant may also choose to contact a relevant consumer protection authority.

Appropriate records of the internal complaints investigation and outcomes must be maintained by Signatories. Records must be kept in a manner that are easily accessible for audit or other purposes.

This process is illustrated further in **Figure 2**.



Notifying the Code Administrator

As a Signatory to the Code, you have agreed to conduct your business in line with the Code requirements and must inform the Code Administrator:

- within 10 business days of receiving a complaint from a complainant;
- within 10 business days of being notified by the relevant body of receipt of a complaint, of any complaints lodged against you with the Regulator, the Department, an ombudsman or a consumer affairs body.
- within 10 business days of self-reporting a breach to the relevant body such as the Regulator, the Department, an ombudsman or a consumer affairs body.
- within 10 business days of becoming aware of a major or severe suspected breach of your obligations under the Code (as listed under section **Error! Reference source not found.** Breach Matrix of this Code).
- within 15 business days of becoming aware of any other suspected breach of your obligations under the Code.

Timeframes for Signatories to provide suspected breach information to the Code Administrator are provided in the in **Figure 1**. Signatories can notify the Code Administrator by completing the **Signatory Self-Reporting Form** available on the Code website’s [Resources](#) page.

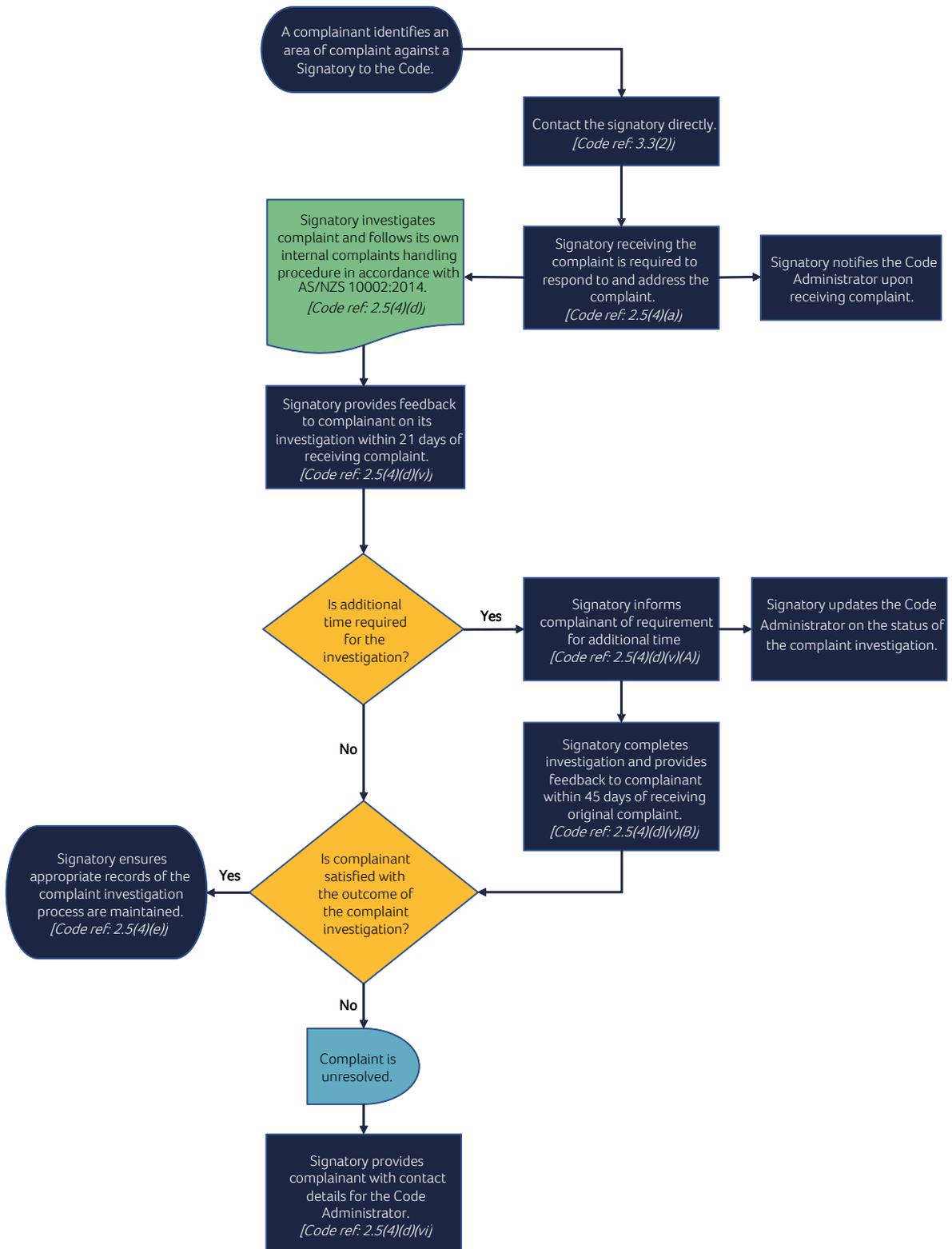
Figure 1 – Signatory Breach Reporting Timelines

Code breach reporting required by Signatories	Major and Severe	All other Breaches
Signatory breach self-reporting	Within 10 business days [2.5(6)(f)]*	Within 15 business days [2.5(6)(g)]
Signatory providing information regarding breaches of the Code upon request by the Code Administrator	Within 10 business days [2.5(6)(g)]	Within 15 business days [2.5(6)(n)]
Signatory breach reporting of other Signatories	Within 15 business days [2.5(6)(n)]	Within 20 business days [2.5(6)(i)]

*Corresponding section in the Code.



Figure 2 – Internal Complaints Handling Process





Complaints and Breaches FAQ

- I have had a complaint made against me by a client, stakeholder or other party. What should I do?**
 You are required to be responsive and deal appropriately with complaints received from clients and other stakeholders in a timely manner. You are also required to have an appropriate internal complaint handling procedure. Signatories receiving complaints are encouraged to notify the Code Administrator using the **Signatory self-reporting Form** available on the Code website at Forms & Resources.
- I need more time to investigate the complaint I have received against me. How should I proceed?**
 You are required to provide feedback to the complainant within 21 days of receiving a complaint. If additional time is required, you must notify the complainant of your requirement for more time, after which you will have a total of 45 days from receipt of the original complaint to provide a response to the complainant on the outcome of your investigation. You are also encouraged to keep the Code Administrator informed on the progress and status of your investigation.
- The complainant is not satisfied with the outcome of the complaints investigation I have taken. What are the next steps I need to take?**
 If the complainant is not satisfied with the outcome following your complaint investigation, then they may escalate that complaint to the Code Administrator. You are required to provide contact details of the Code Administrator to the complainant. The complainant may also decide to contact the relevant consumer protection organisation regarding the complaint. Irrespective of the outcome of a complaint investigation, Signatories are required to maintain appropriate documentation of the process undertaken when investigating complaints received.
- Do I need to maintain records of the complaint investigation process I have undertaken?**
 Yes, all Signatories are required to maintain appropriate documentation of the process undertaken when investigating complaints received. For example, this may include evidence of communication between you and the complainant (i.e. emails, letters, phone records), minutes of internal meetings undertaken discussing the complaint, and any other documentation relevant that can demonstrate the processes undertaken in reaching a final outcome in relation to the complaint.
- I have been notified by the Regulator, Department, ombudsman or consumer affairs authority that a complaint has been lodged against me with a relevant consumer protection organisation. What should I do?**
 You are required to notify the Code Administrator that this has occurred by completing the **Signatory self-reporting Form** available on the Code website's [Resources](#) page.
- I suspect another Signatory has breached the Code. How can I report this?**
 You must first take reasonable steps to contact the Signatory suspected of breaching the Code before informing the Code Administrator of a suspected breach by another Signatory. This includes providing the Signatory the opportunity to self-report the breach within the timeframes for self-reporting set out in the Code.

In some instances, it may not be possible for a Signatory to contact another Signatory suspected of breaching the Code. In these situations, Signatories must notify the Code Administrator of the suspected breach through completing the **Signatory breach reporting of another Signatory Form** available on the Code website's [Resources](#) page. Signatories will also provide reasons why they could not contact the other



Signatory about the suspected breach. Timelines for Signatories to report a suspected breach of another Signatory are:

- 15 business days of becoming aware of the suspected breach for major or severe breaches of the Code (as listed under section **Error! Reference source not found.** Breach Matrix of this Code)
- 20 business days of becoming aware of any other suspected breaches of the Code.

- **As a Signatory to the Code, I have given an undertaking to build professional relationships with other Signatories to support the carbon industry and Code's integrity and reputation. What are some of the principles I can apply when building these professional relationships?**

Principles Signatories can apply include:

- Agreeing to acting ethically and with integrity as per section 2.6 (2) of the Code.
- Agreeing to not act in any way that might bring the Code into disrepute as per Sub-section 2.6 (4) of the Code.
- Committing to uphold the professional values of trustworthiness, competence, honesty, fairness, and diligence.
- Making professional commitments to maintain a high level of relevant industry knowledge and skills, cooperating with the Code Administrator on investigations of suspected breaches, contributing to reviews of the Code, promoting ethical standards of the profession, and to holding each other accountable in supporting the carbon industry and the Code's integrity and reputation.

- **Is it a breach of my obligations under the Code if I fail to meet breach reporting timelines outlined in the Code?**

Failing to report a breach in accordance with timelines in the Code may result in a breach of the Code with possible sanctions (see section 3.7 of the Code).

- **How can I identify suspected breaches of the Code?**

To identify a suspected Code breach, it is best practice to:

- Be aware of your obligations under the Code.
- Set up internal systems and processes to both meet and monitor for Code compliance.
- Assess complaints received through internal complaints handling processes, to identify if they represent a suspected breach of the Code.
- Contact the Code Administrator to clarify if a suspected breach of the Code has occurred by your business.

- **How can I get in touch with the Code Administrator?**

Contact details for the Code Administrator can be found on the Code website.

for more information please contact

Code Administrator

code.administrator@carbonmarketinstitute.org



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