

Code Administrator Complaints Handling and Breaches Procedure

June 2025



Australian
Carbon Industry
Code of Conduct



Purpose and Scope

The Australian Carbon Industry Code of Conduct (the Code) aims to establish a higher standard of practice than current legislation requires, thereby creating consistency of practice across the industry and enhancing 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.

This procedure outlines the process that the Code Administrator (Administrator) follows in responding to complaints and suspected breaches of the Code. This procedure has been developed to align with the Joint Australian/New Zealand Standard Guidelines for complaint management in organisations (AS/NZS 10002:2014).

The scope of this procedure is relevant to the definitions of *Complaint*, *Complainant*, *Breach* and *Dispute* as defined in the Code. In summary, these are:

- **Complaint:** an expression of dissatisfaction with an action or service of a Signatory where a response or resolution is explicitly or implicitly expected (see AS/NZS 10002:2014).
- **Complainant:** a client, stakeholder or other party who lodges a complaint.
- **Breach:** any failure to comply with the Code, including the rules of the Code, and other documentation referred to in the Code.
- **Dispute:** a complaint by a client in relation to a Code Signatory, that has not been immediately resolved when brought to the attention of that Signatory.

There are two types of breaches that the Administrator investigates:

1. **Suspected Breach:** these originate from complaints from clients or stakeholders, Signatory self-reporting, Signatory reporting of other Signatories, and from Administrator compliance monitoring activities. They contain information that a Signatory's behaviour and/or actions may have breached Code rules (but have not yet been substantiated through investigation).
2. **Alleged Breach:** these originate from suspected breaches and are where the Administrator has investigated a suspected breach and requests a Signatory that is the subject of a suspected breach to formally respond to the breach allegation.



Procedure

The following outlines the Administrator's procedure to handle complaints and both types of breaches.

1. Complaints and Suspected Breaches

- 1.1. Where appropriate, before lodging a complaint with the Administrator, complainants are encouraged to raise their concerns directly with the relevant Code Signatory. This process is outlined in [the ACI Code Fact Sheet 01 – \[For Consumers\] The Code Role in the Market](#). Signatories are required to inform the Administrator upon receiving a complaint that relates to their obligations under the Code.
- 1.2. After lodging a complaint with a Signatory or the relevant consumer protection organisation, the complainant may still lodge a complaint with the Administrator.
- 1.3. The Signatory that is subject to a complaint is required to be responsive and deal appropriately with complaints received from clients and other stakeholders.
- 1.4. If a Signatory suspects that another Signatory has breached the Code, the Signatory must take reasonable steps to contact that Signatory before informing the Administrator of a suspected breach. Signatories must also provide the Signatory subject to a suspected breach the opportunity to self-report the breach within the timeframes for self-reporting set out in the Code.
- 1.5. In some instances, it may not be possible for a Signatory to contact another Signatory suspected of breaching the Code. In these situations, Signatories can raise the suspected breach directly with the Administrator. It is a requirement to provide reasons justifying why contact with the relevant Signatory was not possible.
- 1.6. If a complainant is not satisfied with a Signatories response or if a Signatory wishes to self-report a complaint or suspected breach of the Code, they can contact the Administrator by:
 - a) Using the [Client Complaint Form](#) available on the Code website's [Resources](#) page. This form is used by a complainant to notify the Administrator that:
 - (i) they have made a complaint against an entity that identifies itself as a Signatory to the Code, either directly to the Signatory or through a relevant consumer protection organisation; or
 - (ii) that they are not satisfied with the outcome after lodging a complaint with a Signatory.
 - b) clients or any other stakeholders may also contact the Administrator directly through their inbox at code.administrator@carbonmarketinstitute.org.
 - c) self-reporting using the **Signatory Self-Reporting Form** available on the Signatory Portal. This can be used by a Signatory to notify the Administrator that they have:
 - (i) received a complaint against them from a complainant; or



- (ii) have been notified by a relevant consumer protection body that they are in receipt of a complaint regarding their organisation; or
 - (iii) identified a suspected breach through other means. For e.g., through the media.
- 1.7. The Administrator can also initiate investigations of breaches through compliance monitoring activities. This includes through evidence obtained through other sources, including:
 - a) self-audit checklists completed by Signatories.
 - b) feedback from clients obtained through client satisfaction surveys.
 - c) investigation of cases in which Signatories may have breached the Code.
 - d) analysis of conciliation and arbitration cases.
 - e) analysis of client complaints.
 - f) media reports.
 - g) Signatory renewal process.
 - h) information received from other Signatories; and
 - i) any additional sources, for e.g., information obtained from a regulator such as the Clean Energy Regulator (CER).
- 1.8. When the Administrator has receipt of a complaint or suspected breach, they will endeavour to separately inform the complainant and Signatory within three (3) business days.
- 1.9. The Administrator will record all information received in relation to complaints and breaches in an electronic file. All commercial-in-confidence information will be treated with appropriate confidentiality and is subject to the requirements of relevant laws, in particular the Privacy Act 1988 (Cth).
- 1.10. If the Administrator determines that the complaint or alleged breach does not fall within its jurisdiction for e.g., the entity subject to a complaint or breach is not a Signatory or the complaint does not relate to the Code. In these circumstances the Administrator will:
 - a) inform the complainant within ten business days of receiving the complaint and direct the complainant to the relevant consumer protection agency or other body.
- 1.11. If the Administrator determines that the alleged behaviour may constitute a breach of the Code, then the Administrator will undertake an investigation in accordance with section 2 and 3 of these procedures.

2. Investigating an Alleged Breach

- 2.1. Where the Administrator determines that a breach of the Code may have occurred, then an investigation will take place. This is to allow the Administrator to gather necessary information from the complainant to inform the Signatory.



- 2.2. Where the only source of information on a potential breach is raised by a third party, evidence of the breach will be requested from the relevant third party.
- 2.3. The Administrator will as soon as practicable provide the Signatory subject to an alleged breach with:
 - a) a complete list of allegations made against it including what sections of the Code have been potentially breached; and
 - b) copies of all documentation provided to the Administrator as evidence of the alleged breach or breaches; and
 - c) where the complainant is not an individual person, the name of the complainant; and
 - d) summary of how many breaches have been recorded against them in past 12 months.
- 2.4. The Signatory will have 21 days from the date of being notified by the Administrator of the alleged breach to respond to the allegations and provide evidence of its response:
 - a) Where the Signatory does not dispute the allegation, it must provide the Administrator with a written explanation of the action it has taken to rectify the breach and to ensure the breach will not occur again.
 - b) Where the Signatory disputes the allegation and does not provide the Administrator with evidence to support its position, the Administrator will proceed with its investigation of the complaint.
- 2.5. The Administrator will investigate an alleged breach of the Code where it has classified the alleged behaviour as constituting a breach of the Code and:
 - a) the Signatory disputes the allegation made against it and does not provide the Administrator with a satisfactory explanation or evidence to support its position; and
 - b) the Signatory does not provide a response to the allegation made against it within 21 days of the Administrator's request (see section 2.4 above).
- 2.6. Where the Administrator determines that it will investigate an alleged breach of the Code, they will develop an investigation plan. The plan will be designed in accordance with this **Complaints Handling and Breaches Procedure** and to meet the specific requirements of the investigation. The Administrator will investigate alleged breaches using various means, including one or more of the following:
 - a) speaking with all involved parties.
 - b) requesting more information as required.
 - c) auditing the Signatory's procedures where relevant.
 - d) talking to external organisations if required; and
 - e) the Signatory presenting information to the Administrator as requested.
- 2.7. Before reporting the Administrator's findings to the Signatory or to the complainant, the Administrator will consider the findings and the sanction.



3. Imposing Sanctions

- 3.1. All cases involving proposals to apply severe sanctions (see actions / sanctions 3.7 of the Code) will be referred to the Code Review Panel (Review panel).
- 3.2. Where a breach of the Code is determined and section 2.5 of this document has not been satisfied, depending on the severity of the breach (see Breach Matrix in section 3.6 of the Code), the Administrator will either:
 - a) inform the Signatory in writing of its decision and any action or sanction to be applied in accordance with section 3.7 of the Code; or
 - b) provide documentation relating to the breach along with recommended course of action to the Review Panel for consideration.
- 3.3. After one month has passed from the date of the notice given in 3.1 a) above, the Administrator will:
 - a) if the Signatory has not appealed the decision:
 - (i) notify the complainant of the outcome; and
 - (ii) ensure sanction requirements have been completed in required timeframe; and
 - (iii) record the outcome in an electronic file in a register for use in the Annual Report and as otherwise required; or
 - b) if the Signatory has appealed the decision:
 - (i) notify the complainant and Signatory that the matter has been referred to the Review Panel; and
 - (ii) prepare the necessary documentation for the Review Panel.
- 3.4. Where a breach of the Code is determined not to have occurred, the Administrator will inform the Signatory and complainant in writing of its decision.

4. Appealing a decision of the Administrator

- 4.1. A Signatory is entitled to appeal the Administrator's ruling to the Review Panel (see Section 3.9 of the Code). An appeal may be made if:
 - a) a Signatory believes that the Administrator did not exercise reasonable discretion; or
 - b) a Signatory was denied the ability to fairly respond; or
 - c) new evidence is revealed that was not made available to the Administrator in the process of making the original determination.
- 4.2. Appeals must be lodged within one month of the original determination by the Administrator.
- 4.3. Appeals must be lodged by completing the **Compliance Appeals Form** on the Code website's [Resources](#) page.



- 4.4. Where an appeal is lodged, the Administrator will acknowledge receipt of the Compliance Appeal form within 3 business days of receipt and will advise the Signatory of the date of the next Review Panel meeting at which the appeal will be heard.
- 4.5. If a breach is referred to the Review Panel (either by the Administrator, or by appeal), the Administrator will provide documentation relating to the breach, along with a recommended course of action to the Review Panel for consideration.
- 4.6. The Panel will consider and provide a ruling on the appeal in writing, along with reasons for the determination and the subsequent action, if any, that will be taken. The Signatory may be called to present information to the Panel.
- 4.7. All parties involved in the breach will be notified in writing of the outcomes of the investigation, along with reasons for the determination, as soon as reasonably practicable.
- 4.8. All decisions by the Review Panel are binding and there is no further right of appeal.

5. Suspensions or removal from the Code

- 5.1. Suspension or removal of a Signatory can occur if:
 - a) the Signatory fails to provide evidence that they have rectified or addressed a breach of the Code within a reasonable timeframe; or
 - b) the Signatory has multiple breaches that signify a systemic failure to adhere to the Code.
- 5.2. If suspended, the Signatory is given 30 days to remove suspension by providing evidence that non-compliance has been rectified. Suspension will remain until Administrator is satisfied with Signatories' response.
- 5.3. If Administrator is not satisfied with a Signatories' response, then a breach will be referred to Review Panel (refer to 4.5 of this document).
- 5.4. If this is the 3rd suspension for the Signatory in a 12-month period, the matter will be referred to Review Panel to have the Signatory removed.
- 5.5. If a Signatory has breaches that involves serious, wilful, systemic or repetitive non-compliance which is detrimental to clients the matter will be referred to Review Panel to have the Signatory removed.
- 5.6. Review Panel may choose to hear and decide on the removal of Signatory status outside of scheduled sitting sessions.
- 5.7. Any Signatory that has their Signatory status removed will be unable to reapply for six months from date of removal.
- 5.8. Suspended or removed Signatories from the Code are given 5 business days to cease:
 - a) describing itself as a Signatory to the Code;
 - b) use of the Code brand mark; and



c) advertise or portray itself as in any way being connected to the Code.

5.9. Signatories who do not comply with 5.8 of these procedures will have a severe breach recorded against them.

5.10. Where a Signatory is removed from the Code, fees will not be refunded.

5.11. If removed, an organisation is unable to apply for reinstatement of their status for six months and may be required to undertake a probationary period of review before being readmitted. Subsequent application and/or probationary fees will occur.

6. Data collection, reporting and publishing

6.1. It is critical to record and analyse data on complaints and breaches to ensure the Code remains effective. The Administrator will do this by:

a) obtaining access, where possible, to public and certain non-public information on Signatories' compliance activities under regulatory or other carbon/and/or overlapping co-benefit schemes; and

b) collating complaints and breaches data supplied by Code Signatories.

6.2. This data will be analysed and used to track the effectiveness of the Code, to reduce administrative burden for Signatories and the Administrator; and to highlight newly arising problem areas that may need to be addressed by the Code. A regular summary of this data will be reported to the Review Panel by the Administrator.

6.3. All investigations of breaches will be recorded in an electronic file in a register.

6.4. All breaches, actions and sanctions occurring each year will be reported in the Code's annual report. This information will not identify the names of any Signatories, except for:

a) cases where a Signatory has been removed or suspended from the Code; and

b) severe breaches that are not rectified by the Signatory, as outlined in section 3.7(2) of the Code.

6.5. All investigations of alleged breaches that result in a breach or action or sanction will also be available on Code website (see section 3.7 and 3.6 of the Code) as follows:

| Type of breach or sanction | Publication of information |
|-----------------------------|---|
| Minor and medium breaches | Not listed on the website. |
| Major and severe breaches | Listed on the website. No Signatory name listed. |
| Unrectified Severe breaches | Listed on the website. Signatory name will be listed. |

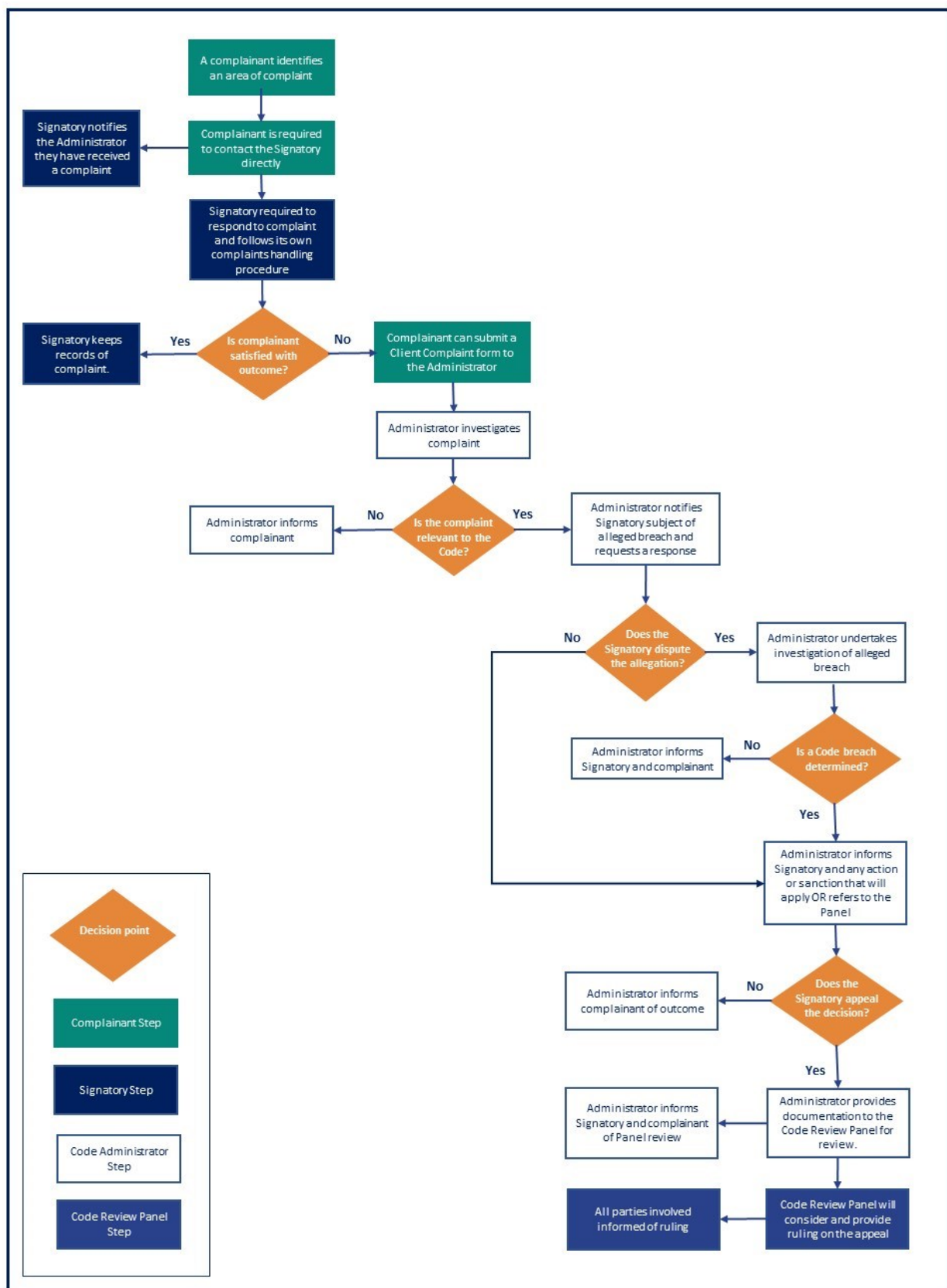


| | |
|------------|--|
| Suspension | Listed on the website on Suspensions table. Signatory name, suspension reason and date of suspension will be listed. |
| Removal | Listed on the website on Removals table. Signatory name, removal reason and date of removal will be listed. |

- 6.6. This **Complaints Handling and Breaches Procedure** will be analysed in the annual review of the Code by the Review Panel or as requested by Administrator.
- 6.7. This procedure must be maintained on the Code website.



Figure 1 - Administrator's Complaints Handling Process: example of a client complaint



for more information please contact

Code Administrator

code.administrator@carbonmarketinstitute.org



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